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THE LAW
OF
AUTOMOBILES.

BY
XENOPHON P. HUDDY, LL. B.
of the New York Bar.

ALBANY, N. Y.:
MATTHEW BENDER & COMPANY
1906

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TO
MY WIFE
WHO IS
MY GREATEST AND WISEST COUNSELOR.

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PREFACE.

The appearance of a new means of transportation — the automobile — on the public streets and highways is creating a far-reaching influence, not only on industry and commerce, but also on legislation. The attention of legislative bodies has been taken by the twentieth century conveyance to such an extent that there now exists much important statutory law concerning automobiles and their operation, as will be seen from the pages of this book.

The legislation in the United States concerning motoring is not, however, all of a serious character. The various statutory provisions are exceedingly interesting from many points of view. Some of the provisions are really amusing. Thus, the legislature of Kansas has shown its kindly feeling towards motoring by actually incorporating into its legislation a provision regulating the operation of automobiles which is worth twice reading, as follows:

“ Nothing in this section shall be construed as in any way preventing, obstructing, impeding, embarrassing or in any other manner or form infringing upon the prerogative of any political chauffeur to run an automobilious band-wagon at any rate he sees fit, compatible with the safety of the occupants thereof; provided, however, that not less than ten nor more than twenty ropes be allowed at all times to trail behind this vehicle when in motion, in order to permit those who have

been so fortunate as to escape with their political lives, an opportunity to be dragged to death; and provided further, that whenever a mangled and bleeding political corpse implores for mercy, the driver of the vehicle shall, in accordance with the provisions of this bill, ‘ throw out the life-line.’ ” (See Kan. Laws of 1903, ch. 67, p. 113.) Kansas is, no doubt, on the right road.

Not only have the law-making bodies enacted laws in reference to the motor car and automobiling, but the reported judicial decisions of the highest courts of record and other courts in many jurisdictions are multiplying, and have accumulated to such an extent that many questions of vital importance have been decided.

Very true, many of the cases merely have called for the application of established rules of law, in dealing with the motor vehicle; but there have been decided numerous points of special application to the automobile and its operation on the public avenues of travel, of which the up-to-date layman, lawyer, and judge should be cognizant if he is to keep abreast with the progress of scientific inventions which are bound to figure in litigation and to occupy a prominent place in our jurisprudence. That there existed a necessity for a collection of all the law, both statutory and that announced by the courts in an accessible convenient form, is undoubted.

The encouragement given to the author in his undertaking to compile this work by gentlemen prominently interested in automobiling has strengthened his belief that a work of this kind will be welcomed.

Many branches of the law are being affected by the horseless carriage figuring in litigation. Where the

automobile's permeating influence will stop is beyond prophesy. It is certain, however, that the motor car, including everything connected with it, is bound to be the subject of a vast amount of litigation in the future and legal literature will justly devote much space to this new and most useful means of transportation. The motor carriage has already brought to us new terms and new ideas.

This book is compiled for the use of the layman, lawyer, and judge. Its purpose is to present all the legal information on the subject that exists, including a consideration of all the reported judicial decisions in America and England, which have decided questions pertaining to the automobile and its operation.

The work also treats of those principles and rules of law closely allied to the operation of automobiles and which concern subjects other than the motor carriage, such, for example, as the law of the road as applied to vehicles generally.

An accurate compilation of all the state automobile laws in the United States, and also the English Motor Car Act, are to be found in PART Two of the work.

With the hope that this work may prove of assistance to those interested in the automobile, the author respectfully submits it for the consideration of the layman and the legal profession.

X. P. H.

NEW YORK CITY, *June 1, 1906.*

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THE LAW OF AUTOMOBILES.

PART I.

THE AUTOMOBILE AND THE LAW.

CHAPTER I.

DEFINITIONS AND GENERAL CONSIDERATIONS.

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2. Legal definitions.
3. Definitions in automobile legislation.
4. Automobile is a vehicle
5. Automobile is a carriage.

§ 1. Definition of motor vehicle in general.

The term automobile is the generic name which has been adopted by popular approval for all forms of self-propelling vehicles for use upon highways and streets for general freight and passenger service. This definition should not include such self-propelled machines as steam road rollers or traction engines designed for hauling loaded trucks or vans in trains, nor such vehicles as require tracks for operation.¹ The meaning of the word automobile is, containing means of pro-

1. The New International Encyclopedia, vol. II., pp. 271, 272.

pulsion within itself; self-propelling; as automobile car—an automobile vehicle or mechanism.²

The term "*auto*" is an abbreviation of the word automobile, used as a prefix with the meaning of self-moving, self-propelling; as an autocar, an autocarriage, an autotruck, etc., an automobile car, carriage, truck, etc.³

The term "*motor*" is commonly used to designate the automobile as a whole, and the word "*motoring*" is also in common use as meaning operating or driving a motor vehicle. However, unless the contrary appears, the term "*motor*" may have a more limited application. Thus the word "*motor*" in a statute empowering street railways, with the consent of the municipal authorities, to use electric or chemical motors as a propelling power of their cars, was construed to mean the motion-producing contrivance of the car, and not to embrace the entire car, though the word is sometimes loosely used to designate a whole car.⁴

§ 2. Legal definitions.

The automobile, or self-moving carriage, has not as yet been judicially defined, though the courts have said more or less in describing the motor carriage. The only definition which the author has been able to find in any of the law books is that in a law dictionary,

2. Web. Int. Dict., Supp., p. 19.

3. Web. Int. Dict., Supp., p. 19.

4. State v. Inhabitants of City of Trenton, 54 N. J. Law (25 Vroom) 92, 23 St. Rep. 281.

The word "*motor*" means a machine for transforming natural energy in various forms into mechanical work, the term in the modern sense embracing windmills, water-wheels and turbines, steam engines, and steam turbines, the various kinds of gas engines compressed-air motors,

which states that the term means, "All motor traction vehicles capable of being propelled on ordinary roads. Specifically horseless carriages."⁵

§ 3. Definitions in automobile legislation.

Fearing that disputes in the future might arise concerning the meaning of the terms employed in automobile legislation to designate the automobile, in many of the states the terms "automobile," "motor car," "motor cycle," and "motor vehicle" have been expressly defined by the legislatures. Thus in *California* it is provided that the term "motor vehicle" shall include all vehicles propelled by any power other than muscular, provided that nothing shall, with certain exceptions, apply to motor cycles, motor bicycles, traction engines, or road rollers.⁶ In *Connecticut* it is provided that wherever the term "motor vehicle" is used in the act, except when otherwise expressly provided, it shall include all vehicles propelled by any power other than muscular, except road rollers, fire engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks.⁷ In *Delaware* it is provided that the term "motor vehicle" shall include automobiles, locomobiles, and all other vehicles propelled wholly otherwise than by muscular power, excepting cars of electric and steam railways and other motor vehicles running upon rails or tracks; but nothing shall be construed to apply to or affect bicycles,

petroleum motors, electric motors, etc. Steam, hot-air, gas, and petroleum motors together constitute the group of thermic motors, because in all of them the source of energy is heat. The Encyclopedia America, vol. X.

5. See English's Law Dict., p. 78.

6. See the California statutory provisions, PART Two.

7. See the Connecticut statutory provisions, PART Two.

tricycles, or such other vehicles as are propelled exclusively, or in part, by muscular pedal power.⁸ In *Maryland* it is provided that whenever the term motor vehicle is used it shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power and having more than two wheels, but shall not be taken to include the cars of electric and steam railways, and other vehicles running only upon rails or tracks, road or traction engines, bicycles, tricycles, or other similar vehicles propelled exclusively by muscular power, or motor cycles, except as to the speed prescribed by the law.⁹ In *Massachusetts* it is provided that the terms " automobile " and " motor cycle " shall include all vehicles propelled by power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks, and steam road rollers.¹⁰ In *Michigan* it is provided that the term " motor vehicles " shall be construed to mean all vehicles propelled by power other than muscular power, except traction engines and such motor vehicles as run only upon rails or tracks.¹¹ In *Montana* it is provided that the term " motor vehicle " shall include all vehicles propelled by any power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks.¹² In *Nebraska* it is provided that the term " motor vehicle " shall include all vehicles propelled by any power other than muscular power, excepting such

8. See the Delaware statutory provisions, PART TWO.

9. See the Maryland statutory provisions, PART TWO.

10. See the Massachusetts statutory provisions, PART TWO.

11. See the Michigan statutory provisions, PART TWO.

12. See the Montana statutory provisions, PART TWO.

motor vehicles as run only upon rails or tracks, provided nothing shall apply to traction engines or road rollers.¹³ In *New Hampshire* it is provided that the terms "automobile" and "motor cycle" shall include all vehicles propelled by power other than muscular power, except railroad and railway cars and motor vehicles running only upon rails or tracks and road rollers.¹⁴ In *New Jersey* the term "motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks. The term "motor cycle" includes only motor vehicles having pedals and saddle with driver sitting astride. The term "automobile" includes all motor vehicles excepting motor cycles. Automobile fire engines and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure, or business, nor for the transportation of freight, such as steam road rollers and traction engines, are excepted from the provision of the *New Jersey* law.¹⁵ The *New York* statute provides that the term "motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run upon rails or tracks; however, nothing contained in the act shall, except as provided by subdivision 4 of section 3, which regulates the control of motor vehicles, motor cycles, and motor bicycles when meeting horses, apply to motor cycles, motor bicycles, traction engines, or road rollers.¹⁶ In *Indiana* it is provided that the term "motor vehicle" shall include all vehicles propelled

13. See the *Nebraska* statutory provisions, PART TWO.

14. See the *New Hampshire* statutory provisions, PART TWO.

15. See the *New Jersey* statutory provisions, PART TWO.

16. See the *New York* statutory provisions, PART TWO.

by any power other than muscular power, excepting traction engines, road rollers, and such motor vehicles as run only upon rails or tracks.¹⁷ In *Iowa* it is provided that the term "motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided nothing shall apply to traction engines or road rollers.¹⁸ In *Kansas* it is provided that the terms "automobile" and "motor vehicle" shall be construed to include all types and grades of motor vehicles propelled by electricity, steam, gasoline, or other source of energy, commonly known as automobiles, motor vehicles, or horseless carriages, using the public highways and not running on rails or tracks.¹⁹ In *South Carolina* it is provided that the term "motor vehicles" includes all vehicles propelled by gasoline or other explosive vapor, steam, electricity, or other kindred powers, but the law does not apply to road rollers, nor to motor vehicles run upon rails as set-tramways or tracks.²⁰ In *South Dakota* it is provided that the term "motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing shall apply to traction engines or road rollers.²¹ In *Rhode Island* it is provided that the terms "automobile," "motor car," and "motor cycle" shall include all vehicles propelled by power other than muscular power, excepting railroads and railway cars

17. See the Indiana statutory provisions, PART TWO.

18. See the Iowa statutory provisions, PART TWO.

19. See the Kansas statutory provisions, PART TWO.

20. See the South Carolina statutory provisions, PART TWO.

21. See the South Dakota statutory provisions, PART TWO.

and motor vehicles running only upon rails or tracks and steam road rollers.²² In *Vermont* it is provided that the terms "automobile" and "motor vehicle" shall include all vehicles propelled by power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks and steam road rollers.²³ In *Virginia* the term "machine" is used to designate the automobile.²⁴

Meaning of the word "team."—In the law of the road of *Maine* it is provided that the word "team" includes all kinds of carriages on the public ways for persons and for property.²⁵

§ 4. Automobile is a vehicle.

There can be little doubt but that the automobile constitutes in law a vehicle, ordinarily speaking, and it comes within a definition stating that "a vehicle is a carriage moving on land, either on wheels or runners; a conveyance; that which is used as an instrument of conveyance or communication."²⁶ In *Connecticut* it

22. See the Rhode Island statutory provisions, PART TWO.

23. See the Vermont statutory provisions, PART TWO.

24. See the Virginia statutory provisions, PART TWO.

25. See the Maine statutory provisions, PART TWO.

26. *Davis v. Petrinovich*, 112 Ala. 564, 21 So. Rep. 344, 36 L. R. A. 615 (quoting Cent. Dict.).

The automobile is a vehicle in common use for transporting both persons and merchandise upon the public ways, and its use is regulated by statute. *Baker v. City of Fall River*, (Mass. 1904) 72 N. E. Rep. 336.

The ordinances for the city of New York provide as follows: "Every wagon, carriage, omnibus, sleigh, pusheart, bicycile, triycle, and other conveyance (except baby carriages), in whatever manner or by whatever force or power the same may be driven, ridden or propelled, which is or may be used for or adapted to pleasure riding or the transportation of passengers, baggage, or merchandise upon the street; and every draught and riding animal, whether driven, ridden or led, excepting that an animal or animals attached to any vehicle shall, with such vehicle, constitute one vehicle."

was provided by statute that the word "vehicle" whenever it occurred in the enactments regulating the use of vehicles on the highways should be construed to include bicycles, tricycles, and motor carriages.²⁷ The statutes of the *United States* provide that the word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land.²⁸ In this connection it is of interest to note that according to a long line of decisions the term "vehicle" includes a bicycle, and it is very appropriately stated in a *Minnesota* case that the term "vehicle" includes a bicycle, the latter being used very excessively for convenience, recreation, pleasure, and business; and the riding of bicycles upon the public highway in the ordinary manner, as it is now done, is neither unlawful nor prohibited, as they cannot be banished because they were not ancient vehicles and used in the Garden of Eden by Adam and Eve.²⁹

27. Gen. Stat., Conn., 1902, sec. 2038.

28. U. S. Comp. Stat., 1901, p. 4, sec. 4.

29. Thompson v. Dodge, 58 Minn. 555, 60 N. W. Rep. 545, 28 L. R. A. 608, 49 Am. St. Rep. 533.

That the term "vehicle" includes the bicycle, see Davis v. Petrinovich, 112 Ala. 564, 21 So. Rep. 344, 36 L. R. A. 615; Mercer v. Corbin, 117 Ind. 450, 20 N. E. Rep. 132, 134, 3 L. R. A. 221, 10 Am. St. Rep. 76; Holland v. Barteh, 120 Ind. 46, 22 N. E. Rep. 83, 85, 16 Am. St. Rep. 307; Roberts v. Parker, 117 Iowa 389, 90 N. W. Rep. 744, 57 L. R. A. 764, 94 Am. St. Rep. 316; Myers v. Hinds, 110 Mich. 300, 68 N. W. Rep. 456, 457, 33 L. R. A. 356, 64 Am. St. Rep. 345; Thompson v. Dodge, 58 Minn. 555, 60 N. W. Rep. 545, 546, 28 L. R. A. 608, 49 Am. St. Rep. 533; Gagnier v. City of Fargo, 11 N. D. 73, 88 N. W. Rep. 1030, 1031, 95 Am. St. Rep. 705; Lacy v. Winn, 4 Pa. Dist. Rep. 409, 412; State v. Collins, 15 R. I. 371, 17 Atl. Rep. 131; Laredo Electric & Ry. Co. v. Hamilton, 23 Tex. Civ. App. 480, 56 S. W. Rep. 998, 1000; Jones v. City of Williamsburg, 97 Va. 722, 34 S. E. Rep. 883, 47 L. R. A. 294.

§ 5. Automobile is a carriage.

There seems to be no question as to whether the term "carriage" includes the modern vehicle of transportation, for it has been emphatically laid down in two cases that an automobile is a carriage. Plainly, an automobile is a vehicle which can carry passengers or inanimate matter, and so is such a carriage.³⁰ But in distinguishing the automobile from the bicycle it should be mentioned that it has been held that a bicycle was not a carriage within the meaning of a *Massachusetts* statute requiring highways to be kept reasonably safe for carriages.³¹

"*A pleasure carriage* is one for the more easy, convenient, and comfortable transportation of persons,"³² and the term "*pleasure carriage*," as used in an act establishing a turnpike, includes a one-horse wagon with a spring seat and painted sides which is not used for farming purposes or for carrying goods.³³ Under these definitions of the term "*pleasure carriage*" there seems to be no doubt as to whether a motor vehicle, which is used for the more easy, convenient,

30. Baker v. City of Fall River, (Mass., 1904) 72 N. E. Rep. 336; Com. v. Hawkins, 14 Pa. Dist. Rep. 502.

The New York Highway Law provides that the term "carriage" shall be construed to include automobiles. Gen. Laws New York, vol. 2, sec. 162, p. 1639.

Motor bicycle is a "carriage."—The Divisional Court of England declared a motor bicycle to be a carriage (Lord Alverstone, C. J., Mills and Kennedy, J.J.) and that it comes within the English Inland Revenue Act, 1888, sec. 4, and an owner is liable to pay duty upon it as a carriage. O'Donoghue v. Moore, (S. J. 477; L. T. 35; T. 495) 23 Law Notes (Eng.) 171.

31. Richardson v. Danvers, 176 Mass. 413, 57 N. E. Rep. 688, 50 L. R. A. 127, 79 Am. St. Rep. 330.

32. Brendon v. Warley, 28 N. Y. Supp. 557, 8 Misc. Rep. 253.

33. Moss v. Moore, 18 Johns. (N. Y.) 128.

and comfortable transportation of persons, is a pleasure carriage. The term carriage, under a statute or ordinance, may refer only to vehicles as automobiles used for the conveyance of persons, and not those used in the transportation of property. Thus, where an ordinance provided that no one should keep or hire out carriages without license, it was held carriages for persons only were meant.³⁴

34. Snyder v. City of North Lawrence, 8 Kan. 82.

CHAPTER II.

HISTORICAL.

- SEC. 1.** 1. Automobile vehicle of modern times.
2. Development of motor carriage.
3. Growth of law.

§ 1. Automobile vehicle of modern times.

The automobile is decidedly a vehicle of modern times. In 1899 there were but few automobiles in existence in the United States, while at the present time there are thousands of motor cars and the number is increasing from year to year. The modern automobile is a development of comparatively recent date, but its inception dates back to the early days of the steam engine. In 1680 Sir Isaac Newton proposed a steam carriage to be propelled by the reactive effect of a jet of steam issuing from a nozzle at the rear of the vehicle. In 1790 Nathan Read patented and constructed a model steam carriage in which two steam cyclinders operated racks running in pinions on the driving shaft. In 1769-1770 Nicholas Joseph Cugnot, a Frenchman, built two steam carriages. The larger of these is still preserved in Paris, and was designed for the transportation of artillery. Murdock, an assistant of James Watt, constructed a model carriage operated by a grasshopper engine, and in 1786 Oliver Evans, of the United States, suggested the use of steam road wagons to the Lancaster Turnpike Company of Maryland. In 1802 Richard Trevithick built a steam carriage, which was exhibited in London, hav-

ing driven itself ninety miles from Camborne, where it was built, to London. This carriage brings us to the notable period of steam-coach construction in England, which lasted until 1836. From this time we have experienced periods of development of the automobile until it is in its present shape.¹

§ 2. Development of motor carriage.

The successful displacement of animal power by mechanical devices is an old problem. The early records of achievement in this direction were so fragmentary and imperfect that the earliest conception of the idea is mysteriously hidden in the past. The application of the force of steam for propulsion on sea and land was anticipated by Roger Bacon when he wrote: "We will be able to construct machines which will propel large ships with greater speed than a whole garrison of rowers, and which will need only one pilot to direct them; we will be able to propel carriages with incredible speed without the assistance of any animal; and we will be able to make machines which by means of wings will enable us to fly into the air like birds."²

§ 3. Growth of law.

To study automobile legislation and the decisions of the courts concerning motor vehicles, one does not have to wade through centuries of musty reports, though such a process often is necessary in looking up a rule or principle of law applicable to the automobile or its operation on the public streets and highways. The legislative enactments and judicial de-

1. The New International Encyclopedia, vol. II., pp. 271, 272.

2. The Encyclopedia Americana, vol. II.

cisions in the United States do not extend farther back than seven years from the present time. In England, however, Parliament regulated the operation of the steam carriages by an act passed in 1896, which was the parent of the amendatory act passed in 1903, known as the "Motor Car Act of 1903." In the United States in 1899 there were no cases decided concerning motor cars in the law reports, but from that time on until the present the increase of legislation and judicial decisions is very noticeable and marked; so that the conclusion is warranted that there has commenced a branch of the law which will devote much attention to the twentieth century conveyance.³

3. See Law Notes, vol. IX., No. 8, p. 147.

CHAPTER III.

NATURE AND STATUS OF AUTOMOBILE.

- SEC. 1.** Automobile not a machine only.
2. Automobile not a dangerous machine.
3. Motive power as affecting status.
4. Advantages over animal-drawn vehicles.
5. Tendency to frighten horses.
6. Judicial notice of characteristics.
7. Classification of automobiles.
8. Automobiles as carriers.

§ 1. Automobile not a machine only.

The automobile is something more than a mere machine.¹ The mechanical part of the motor vehicle is only a substitute for animal power. Aside from its novel method of propulsion and guidance, the automobile is not substantially different from any other ordinary vehicle which travels on the public ways. However, it possesses many characteristics which take it out of the category of the older means of transportation, as will be seen later on. As has been said before, it is a carriage, and a vehicle, and not only is it a most efficient means of transportation, but it constitutes a most useful mode of road traveling either for pleasure or profit. It is hardly necessary to mention that an automobile is personal property, and the fact that it is property affords to the owner the protection of constitutional provisions, both State and Federal.

1. See *Baker v. City of Fall River*. (Mass. 1905) 72 N. E. Rep. 336.

§ 2. Automobile not a dangerous machine.

It is believed to be a common opinion among many that the automobile constitutes a dangerous machine, and that the operation of the motor vehicle on the public thoroughfares is necessarily hazardous. This is a mistaken view. The motor carriage is not to be classed with railroads, which, owing to their peculiar and dangerous character, are subject to legislation imposing many obligations on them which attach to no others.² Certainly a motor vehicle is not a machine of danger when controlled by an intelligent, prudent driver. The hazard in many cases to which the safety of the public may be exposed, results from the personal part played in motoring, rather than from the nature of the vehicle. It is evident, therefore, that it is in the manner of driving the vehicle, and that alone, which threatens the safety of the public. The ability immediately to stop, its quick response to guidance, its unconfined sphere of action, would seem to make the automobile one of the least dangerous of conveyances.³ As bearing on this ques-

2. Baldwin on American Railroad Law, p. 217.

3. See Yale Law Journal, Dec. 1905.

"The danger of rapidly moving machinery calls for the exercise of care on the part of its owner to avoid damage to persons lawfully near it. . . . To the person injured, however, such machinery is suggestive of danger, and he must exercise remarkable care accordingly. And disregard of such danger . . . is contributory negligence sufficient to bar recovery. Jaggard on Torts, vol. II., pp. 862, 863.

In Bertles v. The Laurel Run Turnpike Co., 15 Pa. Dist. Rep. 94, the petitioner for a mandamus to compel a turnpike company to permit him to run his automobile on the company's road, unreasonably admitted "that automobiles, by reason of their size, great speed, rivaling the velocity of railroad trains, and alarming noise, are extremely dangerous to the traveling public, and their use on public highways is fraught with great danger to travelers who drive horses."

tion, it has been stated by authority that out of a total of 3,482 deaths reported to the coroner's office in the city of Chicago for the year 1905, only five were caused by automobiles. For every death caused by an automobile in the city of Chicago there were more than seventy deaths caused by railroad accidents. Twelve people were killed by wagons to every one who met death at the hands of an automobile. More deaths have resulted from being kicked by horses and accidental choking than by the motor vehicle.

A motor car, like a carriage and pair, is in itself harmless enough; but if the carriage is driven in a crowded thoroughfare at the utmost speed that can be got out of the two horses, it becomes to all intents as dangerous a vehicle, and as much an instrument of terror, as a motor car would be when driven without any consideration or regard for the safety of the persons in the thoroughfare. The gravamen of the indictment against motorists as a class is that a large proportion of the individuals composing that class habitually drive their motor cars, whether intentionally or inadvertently, with a total disregard for the safety or comfort of other persons using the road. That such an evil exists and that active means should be taken to secure its immediate diminution or suppression cannot be denied. The proper adjustment of the respective rights of persons owning and traveling in motor cars and of persons lawfully using the highways and public roads is the serious problem calling for solution. These two sections of the public each have definite legal rights, though there seems to be as yet a very indefinite conception of the nature of such rights. *The Justice of the Peace*, vol. LXIX., No. 39, p. 458.

"**A car with a defective brake** is not such an immediately dangerous instrument as to render a railroad company liable to any one injured thereby, in the absence of contract or other relation." *Jaggard on Torts*, vol. II., p. 859.

A bicycle is in itself an innocent vehicle. It is entitled to the rights of the road (but not of the sidewalk) equally with a carriage or other vehicle; and, if it is going at such a rate of speed as to frighten horses, there is liability on the part of the rider only when his want of care can be shown. Carriages and other vehicles drawn by horses become dangerous because of the motion given to them, and because of the tendency of horses to run away and otherwise do damage. *Jaggard on Torts*, vol. II., p. 859.

Adverse judicial statements made by the courts apparently condemning the automobile have not been infrequent. Thus, the Supreme Court of *Illinois* has stated that it is a matter of common knowledge that an automobile is likely to frighten horses. It is propelled by a power within itself, is of unusual shape, is capable of a high rate of speed, and produces a puffing noise when in motion. All this makes such a horseless vehicle a source of danger to pedestrians and persons traveling on the highway in vehicles drawn by horses.⁴ The Supreme Judicial Court of *Massachusetts* has declared that automobiles are capable of being driven, and are apt to be driven, at such a high rate of speed, and when not properly driven are so dangerous as to make some regulation necessary for the safety of other persons on the public ways.⁵ Notwithstanding these and similar judicial utterances, it is particularly noticeable that up to the present time no court has stated or decided that the automobile itself is a dangerous vehicle either to the occupants or to the public. Whatever language the courts have used, which apparently condemns motoring, has been directed against the careless chauffeur or operator and not against the motor car. The foregoing statements may be subject to slight modification for the reason that it is stated in an *Ohio* case that the automobile is more dangerous than the street car, because the latter, being confined to tracks, can more easily be avoided in case of a threatened injury. In this case the owner and operator of an automobile was arrested, tried, and fined

4. *Christie v. Elliott*, 216 Ill. 31, 1 L. R. A. (N. S.) 124, 74 N. E. Rep. 1035.

5. *Com. v. Boyd*, 188 Mass. 79, 74 N. E. Rep. 255.

\$25 and costs by the police court of the city of Columbus, Ohio, for running his automobile at an unlawful speed within the city limits, in violation of an ordinance of the city of Columbus, which prohibited a speed in excess of seven miles an hour. The motorist contended that the law was partial and discriminated against automobiles, because another ordinance allowed street cars to run at a greater rate. The court held, however, that such a discrimination was proper, because street cars are confined to their tracks and can easily be avoided, whereas automobiles have no certain course, and on that account are much more dangerous to the pedestrian.⁶

§ 3. Motive power as affecting status.

There is no vehicle operated in the public streets and highways that bears much similarity to the automobile. The bicycle, it is true, occupies a unique position when compared with the older vehicles, but the motor carriage occupies a position and status of its own. The motor car's freedom of navigation, speed, control, power, purposes, and the existence or nonexistence of noise in running necessarily stamps the automobile with a status different from that attached to other vehicles. Especially is this true in reference to the motive power and its application. In animal-drawn vehicles the power is from the front. The vehicle is *drawn*. In automobiles the power is generally applied from the back of the carriage, and the vehicle is in fact *pushed* along. This radical difference in the application of power is of importance, and may be controlling in legal controversies in respect to the con-

6. Chittenden v. Columbus, 26 Ohio Cir. Ct. 531.

dition of highways and other matters. Recent legislation has given the automobile a status of its own, if nothing else has.

§ 4. Advantages over animal drawn vehicles.

The advantages of the automobile over animal-drawn vehicles are too numerous to mention in a work of this nature. However, there are one or two advantageous points in the motor vehicle's favor which should be mentioned. We have seen that there is an alleged element of danger in the operation of the horseless carriage. Aside from this, however, every other characteristic of the automobile is decidedly in its favor. It leaves no filth in the streets. It is the most sanitary vehicle that travels on the public ways. There certainly can never be any police regulation of the motor car's operation on account of filth. Again, notwithstanding opinion to the contrary, the automobile creates little wear and tear on the public avenues of travel. This has a more or less legal bearing on highway legislation. The superiority of the automobile in these matters needs no further discussion to be convincing.

§ 5. Tendency to frighten horses.

That the automobile has a tendency to frighten horses unaccustomed to its appearance must be conceded. This has been one of the worst obstacles to motoring and driving, and has been the cause of much litigation. However, horses are fast being educated to the sight of the automobile, and when horses generally are no longer frightened at its appearance the legislative regulation concerning the meeting of horses

and automobiles on the road will be no longer needed and without reason. As said by the Supreme Court of *California*: "Of course, if the use of automobiles gradually becomes more common, there may come a time when an ordinance like the one here in question [the ordinance prohibited motoring at night on country roads] would be unreasonable. As country horses are frequently driven into cities and towns, many of them will gradually become accustomed to the sight of automobiles, and the danger of their use on country roads will be less."⁷

In connection with this subject it is of interest to note what has been said by the Appellate Division of the Supreme Court of *New York*: "Since the automobile has come into use upon our streets and highways these accidents [resulting from frightening horses] have been common, and actions to recover damages resulting therefrom have been frequent. These machines may be used on the public highways, but horses will also continue to be used for a time at least. Both may be equally used as motive power in public travel. Some horses are frightened when they meet these machines, and it is the duty of persons running the machines to exercise reasonable care to avoid accident when horses become frightened. It is not pleasant to be obliged to slow down these rapid-running machines to accommodate persons driving or riding slow country horses that do not readily become accustomed to the innovation. It is more agreeable to send the machine along, and let the horse get on as best he may, but it is well to understand, if this course is adopted and accident and injury result, that the

7. *Ex parte Berry*, (Cal. 1905) 82 Pac. Rep. 44.

automobile owner may be called upon to respond in damages for such injuries.”⁸

§ 6. Judicial notice of characteristics.

The court will take judicial notice that automobiles may be driven at a high rate of speed.⁹ Under a statutory provision requiring courts to take judicial notice “of the significance of all English words and phrases,” a court will assume judicial knowledge of an automobile, its characteristics, and the consequences of its use. As said by the Supreme Court of California: “We may assume * * * to have what is common and correct knowledge about an automobile. Its use as a vehicle for traveling is comparatively recent. It makes an unusual noise. It can be, and usually is, made to go on common roads at great velocity—at a speed many times greater than that of ordinary vehicles hauled by animals; and beyond doubt, it is highly dangerous when used on country roads, putting to great hazard the safety and lives of the mass of the people who travel on such roads in vehicles drawn by horses.”¹⁰ The correctness of the foregoing statement is not intended to be vouched for. The quotation is given merely on the question of judicial notice.

8. Murphy v. Wait, 102 N. Y. App. Div. 121, 92 N. Y. Supp. 253.

9. People v. Schneider, 12 Det. L. N. 32, 69 L. R. A. 345, (Mich. 1905) 103 N. W. Rep. 172, wherein the court says, “We may take judicial notice that many of these automobiles may be driven at a speed of at least forty miles an hour. Driven by indifferent, careless, or incompetent operators, these vehicles may be a menace to the safety of the public.”

10. *Ex parte* Berry, (Cal. 1905) 82 Pac. Rep. 44.

§ 7. Classification of automobiles.

Automobiles have been divided into three classes: Heavy omnibuses or cars for road use in carrying passengers or goods; pleasure carriages for use in driving on the streets or roads in place of the ordinary horse and carriage; bicycles, tricycles, or quadricycles furnished with a motor to relieve the rider of the work of operating the pedals and to increase speed.¹¹

§ 8. Automobiles as carriers.

An automobile may be used as a common carrier, a private carrier, or a personal private conveyance. Public motor vehicles, such as sight-seeing cars, and others which are employed in carrying all persons applying for transportation, come within the definition that a common carrier of passengers is one who undertakes for hire to carry all persons who may apply for passage.¹² But to constitute one a common carrier it is necessary that he should hold himself out as one. A carrier of passengers who undertakes to carry all persons who apply to him for transportation is engaged in a public employment, and is a public or common carrier of passengers. "A common carrier of passengers," says Judge Thompson, "is one who undertakes for hire to carry all persons indefinitely who may apply for passage."

11. Encyc. Brit. vol. 25, p. 303.

12. Gillingham v. Ohio River R. Co., 35 W. Va. 588, 14 S. E. Rep. 243, 14 L. R. A. 798, 29 Am. St. Rep. 827.

CHAPTER IV.

RIGHT OF AUTOMOBILES TO USE HIGHWAYS AND STREETS.

- SEC. 1. Highways defined.
2. Roads defined.
3. Streets defined.
4. General purposes of highways and streets.
5. New means of transportation.
6. Equal rights of automobiles on public ways.
7. Rights on ferries and vessels.
8. Exclusion of automobiles from highways.
9. Compelling privilege of using road — Pleading.

§ 1. Highways defined.

Ways are either public or private. A way open to all people is a highway. The term highway is the generic name for all kinds of public ways, including county and township roads, streets and alleys, turn-pikes and plank roads, railroads and tramways, bridges and ferries, canals and navigable rivers. Every public thoroughfare is a highway.¹

§ 2. Roads defined.

A road is a passage ground appropriated to public travel. The word "road" cannot, however, be said to be one of uniform meaning; it has been variously defined, and is often enlarged or restricted by the language with which it is associated. The meaning of the word in statutes is ascertainable from the context and purpose of the particular legislative enactment in which it is found.²

1. See Elliott on Roads and Streets, (2d. ed.) pp. 1, 2.

2. See Elliott on Roads and Streets, (2d ed.) pp. 6, 7.

Roadway is defined in the ordinances for the city of New York as "that portion of any street which is included between the curbs or curb-lines thereof and is designed for the use of vehicles."

§ 3. Streets defined.

A street is a road or public way in a city, town, or village. A way over land set apart for public travel in a town or city is a street, no matter by what name it may be called; it is the purpose for which it is laid out and the use made of it that determines its character. As the way is common and free to all people, it is a highway, and it is proper to affirm that all streets are highways, although not all highways are streets. Streets resemble, in many particulars, ordinary public roads, but there are, nevertheless, very important differences between the two classes of public ways. The purpose for which they are established is primarily the same, that of public travel, but many uses may properly be made of streets which cannot rightfully be made of ordinary suburban roads. The rights of the public are much greater in streets than in the roads of the rural districts, and the methods of regulating their use, improvement, and repair are materially different. Where a statute uses the term street, and does so with reference to a town or city, and there are no limiting or explanatory words, it must be taken to mean a street in the true sense of the term. It is sometimes necessary to discriminate between the genus highways and the species streets, but when the species is designated there seldom can be any difficulty in determining what class of public ways is intended, although it will not do to conclude, in all cases where the term highways is employed, that streets are included.³ In some of the automobile acts

3. See Elliott on Roads and Streets, (2d ed.) pp. 15, 16, 18, 19.

A street is defined in the ordinances for the city of New York as follows: "Every avenue, boulevard, highway, roadway, cartway, lane,

passed by the states of the United States the terms public ways, ways, highways, streets, and other terms pertaining to highways have been defined, as will be seen from an examination of the statutory compilation in this book.

§ 4. General purposes of highways and streets.

Primarily the general purpose of streets and highways is that of travel either on foot by a pedestrian or in a vehicle propelled by power. The members of the public have a right to use the public avenues for the purpose of travel and the transportation of property. It is improper to say that the driver of horses has rights in the road superior to the driver of an automobile. Both have the right to use the easement, and each is equally restricted in the exercise of his rights by the corresponding rights of the other.⁴

§ 5. New means of transportation.

That the purposes of the public ways contemplate new and improved means of transportation there can be no doubt. Travelers are not confined to horses and ordinary carriages. Animal or muscular power has no exclusive or superior rights on the public avenues of travel. The use to which the public thoroughfare may be put comprehends all modern means of carrying, including the electric street railroad and the automobile. Judge Cooley in 1876 said: "Persons mak-

alley, strip, path, square and place used by or laid out for the use of vehicles."

Curb is defined in the ordinances for the city of New York as "the lateral boundaries of that portion of a street designed for the use of vehicles, whether marked by curb-stones or not so marked."

4. Indiana Springs Co. v. Brown, (Ind. 1905) 74 N. E. Rep. 615.

ing use of horses as the means of travel by the highways have no rights therein superior to those who make use of the ways in other modes. It is true that locomotion upon the public roads has hitherto been chiefly by means of horses and similar animals, but persons using them have no prescriptive rights, and are entitled to the same reasonable use of the ways which they must accord to all others. Improved methods of locomotion are perfectly admissible, if any shall be discovered, and they cannot be excluded from the existing public roads, provided their use is consistent with the present methods. * * * When the highway is not restricted in its dedication to some particular mode of use, it is open to all suitable methods, and it cannot be assumed that these will be the same from age to age, or that new means of making the way useful must be excluded merely because their introduction may tend to the inconvenience or even to the injury of those who continue to use the road after the same manner as formerly. A highway established for the general benefit of passage and traffic must admit of new methods wherever it is found that the general benefit requires them.⁵ The Supreme Court of *Illinois* has expressed itself as follows: "To say that a new mode of passage shall be banished from the streets, no matter how much the general good may require it, simply because streets were not so used in the days of Blackstone, would hardly comport with the advancement and enlightenment of the present age."⁶ Again we find the same principle announced in 1905 by the Supreme Court of *Indiana*, which says: "In all human activities the law keeps up with im-

5. See *Macomber v. Nicholas*, 34 Mich. 217, 22 Am. Rep. 522.

6. *Moses v. Pittsburgh, etc., R. Co.* 21 Ill. 515.

provement and progress brought about by discovery and invention, and, in respect to highways, if the introduction of a new contrivance for transportation purposes, conducted with due care, is made with inconvenience and even incidental injury to those using ordinary modes, there can be no recovery provided the contrivance is compatible with the general use and safety of the road. It is, therefore, the adaptation and use, rather than the form or kind of contrivance, that concerns the courts.”⁷

§ 6. Equal rights of automobiles on public ways.

Clearly the motor vehicle is an improved method of locomotion, and if automobiles are operated in a way compatible with the general use of the public avenues of travel, and are calculated to subserve the public as a beneficial means of transportation, with reasonable safety to those traveling by ordinary modes, the motor carriage has an equal right with other vehicles in common use, to occupy and use the public highways and streets, provided the statutory provisions have been complied with if any exist.⁸ The fact that an auto-

7. Indiana Springs Co. v. Brown, (Ind. 1905) 74 N. E. Rep. 615.

8. Upton v. Windham, 75 Conn. 288; Christie v. Elliott, 216 Ill. 31, L. R. A. (N. S.) vol. 1, p. 124, 74 N. E. Rep. 1035; Indiana Springs Co. v. Brown, (Ind. 1905) 74 N. E. Rep. 615; Shinkle v. Cullough, (Ky. 1903) 77 S. W. Rep. 196.

It is not negligence, as a matter of law, to use automobiles on the public highways. Indiana Springs Co. v. Brown, (Ind. 1905) 74 N. E. Rep. 615.

The owner of an automobile has the right to use the highways provided in using them he exercises reasonable care and caution for the safety of others and does not violate the law of the state. Christie v. Elliott, 216 Ill. 31, L. R. A. (N. S.) vol. 1, p. 124, 74 N. E. Rep. 1035.

Because automobiles are novel and unusual in appearance, and for that reason likely to frighten horses unaccustomed to seeing them, is no

mobile is a comparatively new vehicle is beside the question. The use of the streets must be extended to meet the modern means of locomotion.⁹

§ 7. Rights on ferries and vessels.

While dealing with the rights of automobiles to the use of the public highways, it is of interest to consider the motor vehicle's rights on ferries, which are in the nature of highways, and are generally a continuation thereof. The Revised Statutes of the United States prohibiting passenger steamers from carrying as freight certain articles, including petroleum products or other like explosive fluids, except in certain cases and under certain conditions, was amended by the Act of Feb. 21, 1901, ch. 386, 31 Stat. at L. 799. U. S. Comp. Stat. 1901, p. 3050, which provided that: "Nothing in the foregoing or following sections of the act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: *Provided, however,* That all fire, if any, in such vehicles or automobiles be extinguished before entering the said vessel and the same be not relighted until after said vehicle shall have left the same. * * * " Under this statu-

reason for prohibiting their use. Indiana Springs Co. v. Brown, (Ind. 1905) 74 N. E. Rep. 615.

Bicycles have equal rights on the public ways. Holland v. Barteh, 120 Ind. 46, 22 N. E. Rep. 83, 16 Am. St. Rep. 317; Lacey v. Winn, (Com. Pl.) 3 Pa. Dist. Rep. 811; Lacey v. Winn, (Com. Pl.) 4 Pa. Dist. Rep. 409.

A bicycle being a vehicle, riding one in the usual manner on a public highway is not unlawful. Thompson v. Dodge, 58 Minn. 555, 60 N. W. Rep. 545, 28 L. R. A. 608.

9. Chicago v. Bunker, 112 Ill. App. 94

tory provision it was held that gasoline confined in the tank of an automobile being transported on a steam vessel was carried as freight within the meaning of the statute, that an automobile in which the motive power was generated by passing an electric spark through a compressed mixture of gasoline and air in the cylinder, causing intermittent explosions, carried a fire while the vehicle was under motion from its own motive power; and that the carrying by a steam ferryboat of such a vehicle, which was run in and off the boat under its own power, was a violation of the statute.¹⁰ In 1905 Congress amended the existing law by enacting that "nothing in the foregoing or following sections of this act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: *Provided, however,* That all fire, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and the same be not relighted until immediately before said vehicle shall leave the vessel: *Provided further,* That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles, the tanks of which contain gasoline, naphtha, or other dangerous burning fluids."¹¹ It will be seen that Congress has relieved, by this amendment, steam vessels from the penalty which they were subjected to under the old law as construed by the decision in *The Texas*, 134 Fed. Rep. 909; however, as the law now

10. *The Texas*, 134 Fed. Rep. 909.

11. See 33 Stat. at L., part 2, p. 720.

stands, "any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles" carrying gasoline, naphtha, or other dangerous burning fluids.

§ 8. Exclusion of automobiles from highways.

Of the exclusion of automobiles from the public ways there is quite a little to be said. In nearly all the states which have passed automobile legislation, it is provided that motor vehicles shall not be operated on the public avenues of travel unless the statutory provisions have been complied with. This the legislatures undoubtedly have the authority to command.¹² The Attorney-General's department of Pennsylvania on November 9, 1905, rendered an opinion in which it is stated that no motor vehicle, whether automobile or bicycle driven by a motor, may be lawfully driven, ridden, or operated upon the streets and highways of the state after the first day of January, 1906, unless the operator thereof shall have first obtained from the state highway department a license for that purpose, and shall have further complied with all of the regulations and requirements imposed by the act.¹³ There is also very little doubt of the law-making body's power to set apart certain places or roads, free from motor carriage travel, where a reasonably sound necessity exists for the exclusion of automobiles from such places. But there can be no unreasonable discrimination against the motor car in this respect. As said before, it has an equal right to use the highways.

12. See *People v. MacWilliams*, 91 N. Y. App. Div. 176, 84 N. Y. Supp. 357.

13. *In re Automobile Acts*, 15 Pa. Dist. Rep. 83.

Where this right is unlawfully withheld, the authorities may be compelled to grant the right or forced to desist from interfering with it. Of course, the right of a particular party may be forfeited for a time if provided for by statute, and the offending party shows that he is not as an operator or a driver fit to use the highways. In connection with the exclusion of automobiles from the public highways, an important and interesting case arose in *California*.¹⁴ The board of county supervisors of Marin county framed an ordinance which provided that "no person shall run an automobile on any * * * highways of Marin county between the hours of sunset of any day and of sunrise on the day following." A violation of the law was made punishable by a fine or imprisonment. A motorist was convicted of a violation of this regulation and was sent to jail. *Habeas corpus* proceedings were brought to regain the prisoner's liberty, claiming that the ordinance of the county commissioners prohibiting the operation of motor cars at night was unreasonable, and, therefore, his imprisonment was illegal. The Supreme Court of *California*, however, decided that the ordinance constituted a reasonable and valid regulation within the power of the commissioners to make. This regulation and decision prohibits the motorist from returning home in his car at night if he should happen to get temporarily stuck in the country road mud. It is interesting to note what the court said in this case. The justice writing the opinion states (using his exact language): "If the use of automobiles gradually becomes more common, there may come a time when an ordinance like the one in

14. *Ex parte Berry*, (Cal. 1905) 82 Pac. Rep. 44.

question would be unreasonable. As country horses are frequently driven into cities and towns, many of them will gradually become accustomed to the sight of automobiles, and the danger of their use on country roads will grow less." Prohibiting the use of country roads at night would seem to be exercising the right to regulate motoring to its limit, and possibly beyond lawful regulatory power, especially in view of the fact that horses have no superior right on the road. Such a regulation comes very near amounting to prohibition. The frightening of horses, beyond doubt, is an incident to the lawful use of the public highways, and does not of itself constitute a wrong *per se* upon which alone legal liability may be based. In a case decided in 1902 by the Supreme Court of Errors of Connecticut,¹⁵ it was held that the fright and shying of a gentle horse at the passing of an automobile, driven with ordinary care and at a reasonable speed, was an event incident to the proper use of the highway. The facts of this case were as follows: While meeting and passing an automobile a gentle horse, which was being driven with due care, became frightened, shied, veering sharply to the right, and being within a few feet of the right side of the road, plunged down a declivity of some three or four feet to the adjoining land, ran a distance of some fifty feet and then, taking another turn, overturned the carriage, injuring an occupant. The automobile was being driven at the time with ordinary care and at a reasonable speed. It was claimed that the automobile was the proximate cause of the injury and not the failure of the town authorities to

15. Upton v. Windham, 75 Conn. 288, *distinguishing and affirming* Britian v. Sharon, 71 Conn. 686.

protect the bank of the road. The town was held to be liable for the injuries caused by its failure to make the highway reasonably safe for travel. The defect in the highway was the lack of a sufficient railing or fence on the side of the road. In contrast to the severity of the *California* decision above mentioned, it is interesting to note an important case decided by the Appellate Court of *Illinois*.¹⁶ In this case it was held that as a prerequisite to one operating his automobile for pleasure on the public ways, the city of Chicago had no power to require a party who uses his automobile for his private business and pleasure only, to submit to an examination and to take out a license, for such is imposing a burden upon one class of citizens in the use of the streets which is not imposed upon others, and such an ordinance was beyond the power of the city counsel, and was, therefore, void. A turnpike company has an undoubted right, in the exercise of a sound discretion, to prevent such use of its road as would make it dangerous to the general public. The managers of highways owned by private corporations have an undoubted right, in the exercise of a sound discretion, to prevent such use of the highway as will make it dangerous. Unless forbidden by legislative enactment, as is sometimes done in the case of bicycles, they may exclude from their highways a carriage or vehicle, the use of which is dangerous, where the safety of the general public demands such exclusion.¹⁷ As to the exclusion of nonresident motorists from the public ways, there is no authority or power in the state to do this, on the ground of nonresidence, and the

16. *Chicago v. Banker*, 112 Ill. App. 94.

17. *Bertles v. The Laurel Run Turnpike Co.*, 15 Pa. Dist. Rep. 94.

states have no power to place greater restrictions or burdens on nonresident automobilists than those imposed on their own citizens. Such action on the part of a state would violate the Federal Constitution. However, the state may compel nonresidents to comply with the regulations controlling residents. No discrimination is created in such a case, as all are treated alike.

§ 9. Compelling privilege of using road — Pleading.

A petition for a writ of mandamus commanding a turnpike company to allow the petitioner, while operating and using his automobile, the right and privilege of passing over and upon its turnpike road, upon his paying the tolls established by law for the passage of vehicles of similar weight and width of tires over turnpike roads of the commonwealth of Pennsylvania, must aver that the petitioner has complied with all the requirements of the provisions of the State Automobile Act.¹⁸

18. Bertles v. The Laurel Run Turnpike Co., 15 Pa. Dist. Rep. 94.

CHAPTER V.

REGISTRATION AND LICENSING.

- SEC.** 1. General considerations.
2. Purpose of registration.
3. Power to require registration and license.
4. Constitutional law.
5. Licenses.
6. Operation and effect of license.

§ 1. General considerations.

In many of the states there have been passed statutes requiring the registration of automobiles or owners, manufacturers and chauffeurs. In some jurisdictions only the machine is required to be registered, in others the operator and in others the owner. Some of the states, like New York, require registration by owners, manufacturers, and chauffeurs.

The statutes providing for registration generally enact that the party to be registered must file a statement containing his name, address, and a description of the machine, which statement is to be filed with the secretary of state or some other officer, who, upon receipt of the statement and a prescribed fee, makes a record of the application, whereupon the officer issues to the applicant a number which corresponds with the number against his name as recorded. The precise statutory provisions of the various states are ascertainable from an examination of the compilation in Part Two of this work. The number assigned is gen-

erally required to be displayed on the machine in a conspicuous place.¹

Tags permitted in Pennsylvania. — All tags bearing licensed numbers, with the exception of the two furnished by the state highway department under the Pennsylvania Act of April 19, 1905, P. L. 217, must be removed from automobiles while being operated within the limits of the commonwealth.² The Pennsylvania Act of April 19, 1905, P. L. 217, regulating the licensing, operating, etc., of motor vehicles, providing *inter alia* that not more than one state license number shall be carried upon the front or back of the vehicle, and that a "license number obtained in any other place or state shall be removed from said vehicle while the vehicle is being used within this commonwealth" was held not to conflict with nor supersede the ordinance of December 26, 1902, of the city of Philadelphia, which also provides for the licensing, regulation, and operation of motor vehicles within that municipality. Both the act and the ordinance were held to stand together, and, for motor vehicles operated within the said city, both state and city licenses must be obtained and both license tags displayed, a municipality not being within the meaning of the word "place" as used in the act. It was also held that the speed regulations of the said ordinance must also be obeyed.³

1. Indictment. — Where a statute provides that every person "desiring" to operate an automobile must obtain a license from certain officers, an indictment is not bad because of the omission of the word "desire," the indictment otherwise substantially following the language of the statute. *State v. Cobb*, (Mo. App. 1905) 87 S. W. Rep. 551.

2. *In re Automobile Acts*, 15 Pa. Dist. Rep. 83.

3. *Brazier v. Philadelphia*, 15 Pa. Dist. Rep. 14.

§ 2. Purpose of registration.

The reason assigned for the necessity of registration and licensing is that the vehicle should be readily identified in order to debar operators from violating the law and the rights of others, and to enforce the laws regulating the speed, and to hold the operator responsible in cases of accident. The legislatures have deemed that the best method of identification, both as to the vehicle and the owner or operator, is by a number on a tag conspicuously attached to the vehicle. In case of any violation of law this furnishes means of identification, for, from the number, the name of the owner may be readily ascertained and through him the operator.⁴ It is not difficult to see that the registration and numbering of automobiles is intimately connected with their safe operation in the state. Many automobiles are precisely alike in external appearance. They are sometimes operated by those whose faces are partially concealed and whose identity is uncertain. Those operators who are most reckless and indifferent — and those are the ones that endanger the safety of others — may violate the law with impunity unless some method is adopted by which they or their automobiles may be identified. A provision in a law for registration and numbering is such a method. It is reasonable to believe that, when he knows that the number displayed on the automobile identifies the vehicle, fear of discovery and punishment will lead the automobile driver to observe the requirements of the law.⁵

4. See *People v. MacWilliams*, 91 N. Y. App. Div. 176, 86 N. Y. Supp. 357; *People v. Schneider*, (Mich. 1905) 103 N. W. Rep. 172, 12 Det. L. N. 32, 69 L. R. A. 345.

5. See *People v. Schneider*, (Mich. 1905) 103 N. W. Rep. 172, 12 Det. L. N. 32, 69 L. R. A. 345.

§ 3. Power to require registration and license.

As has been shown the requiring of automobiles or the operators to be registered is a mere statutory requirement and an effective precaution against reckless motoring. Since the statutory measures are directed against careless driving it would seem that only the operator, whether he is the owner or a chauffeur, should be compelled to register, as is the case in *Massachusetts* and *Pennsylvania*, for example. Undoubtedly the state or a duly authorized municipality has the power to enact laws on this matter requiring registration and the payment of a fee.⁶ However,

6. Com. v. Boyd, 188 Mass. 79, 74 N. E. Rep. 255; People v. Schneider, (Mich. 1905) 103 N. W. Rep. 172, 12 Det. L. N. 32, 69 L. R. A. 345; Com. v. Hawkins, 14 Pa. Dist. Rep. 592. See also People v. MacWilliams, 91 N. Y. App. Div. 176, 86 N. Y. Supp. 357. But see Chicago v. Banker, 112 Ill. App. 94.

The provision of the Pennsylvania Act of 1903, requiring the registration of automobiles is a valid exercise of the police powers. Com. v. Deusmore, 29 Pa. Co. Ct. 217.

In Com. v. Hawkins, 14 Pa. Dist. Rep. 592, the court upheld the validity of an ordinance (passed by the city of Pittsburgh under the power conferred by the special Act of April 1, 1868 [P. L. 565, sec. 71], to regulate and license every description of carriages) which makes it unlawful for any person to operate, or cause to be operated, upon the streets of the city, an automobile, motor vehicle, or other conveyance or wagon, the motive power of which shall be electricity, steam, gasoline, or any source of energy other than human and animal power, except upon the conditions, *inter alia*, of the payment by the owner of an annual license fee of six dollars if the vehicle is intended to carry one or two persons, and a fee of ten dollars if intended to carry more than two persons. The court said that the license imposed was not unreasonable, and was uniform upon different kinds of the several classes of vehicles named; and that that was all the law required in that respect.

The power conferred upon the city of Pittsburgh, Pennsylvania, by the special Act of April 1, 1868 [P. L. 565], to impose a license upon automobiles used in the city streets, was not repealed by the Act of April 23, 1903 [P. L. 268], regulating the use of automobiles throughout the

there is one case decided in this country which goes very far in denying the right of a municipality to require the registration of automobiles and the payment of a license fee. That case is Chicago v. Banker, 112 Ill. App. 94, wherein it was held that an ordinance of the city of Chicago which required one who uses his automobile for his private business and pleasure only to submit to an examination and to be licensed as an "automobile operator" (if the examining board see fit to grant him a license) imposes a burden upon one class of citizens in the use of the streets not imposed upon others, and is, therefore, void. In this case, the court declared that, conceding that what is fairly implied is as much granted as what is expressed, nevertheless the charter of a municipal corporation is the measure of its powers, and the enumeration of those powers implies the exclusion of all others. Among other powers enumerated in the charter of the city is that of regulating the use of the streets and the speed of vehicles within the limits of the corporation, and also the power to license and regulate certain occupations. The opinion is this case purports to put the decision upon the usual ground that the ordinance wrongfully discriminates between different classes of citizens. The actual decision, however, was upon the ground that the charter did not confer requisite power upon

state as the later act contains no repealing clause, and by the provision of the 7th section, to the effect that the amount of license prescribed by the act shall not apply to any city or other municipality in which the authorities have imposed a license fee for the same purpose, indicates an intention to preserve to the municipalities any authority previously conferred upon them authorizing the licensing of vehicles. Com. v. Hawkins, 14 Pa. Dist. Rep. 592.

the city council to enact the ordinance.⁷ Such legislation is an exercise of the police powers of the state or municipality. In *Com. v. Boyd*, 188 Mass. 79, 74 N. E. Rep. 255, the Supreme Judicial Court of Massachusetts held that the Massachusetts statute was not unconstitutional which required automobiles to be registered, and the displayment on the automobile of the registered number in Arabic numerals not less than four inches long, and which also exacted a registration fee of two dollars for each vehicle. In this case the court declared that there could be no question as to the right of the legislature, in the exercise of the police power, to regulate the driving of automobiles on the public avenues of travel; that they are capable of being driven, and are apt to be driven, at a high rate of speed, and when not properly driven are so dangerous as to make some regulation necessary for the safety of other persons on the public highways. It was also declared that the registration fee was clearly a license fee, and not a tax; and that, since the act was passed by the legislature, it was unnecessary to consider whether a like act could be passed by a city. The court distinguished the case of *Chicago v. Banker*, 112 Ill. App. 94, on the ground that the ordinance of the city of Chicago involved in that case was passed by a municipality and not by the legislature. Where the charter of a city authorized the common council to control, prescribe, and regulate the use of its streets, etc., it was held that there was conferred upon the city council authority to pass an ordinance requiring the regulation and numbering of automobiles using the streets of the city, and imposing a fee of one dollar

7. See L. R. A. (N. S.) vol. 1., p. 127.

therefore to cover the cost of aluminum figures to compose the number, furnished by the city.⁸ Where it was contended that a provision of a city ordinance for registering and numbering amounted to a license, and that a grant of authority to regulate gave the city no power to license, the court declared that the provision, if a license at all, was a license as a mere means of regulation; and, if the speed of automobiles cannot be effectually regulated without licensing them, the grant of the power to regulate confers upon the city the power to license, unless the exercise of that power is forbidden by some other provision of the law.⁹ An act of *Pennsylvania* which empowered the city of Pittsburg "to regulate and license all cars, wagons, drays, coaches, omnibuses, and every description of carriages" was held to authorize the city to impose a license on automobiles, notwithstanding they were unknown when the act was passed.¹⁰ As bearing on the question whether legislation enacted before the automobile was known or in use includes the modern means of transportation, it should be mentioned here that a statute imposing a tax on the transportation of "barks, cabs, omnibuses, and other vehicles for the transportation of passengers for hire" was held not to include an electric automobile where such was not known or in use at the time the act was passed.¹¹

8. *People v. Schneider*, (Mich. 1905) 103 N. W. Rep. 172, 12 Det. L. N. 32, 69 L. R. A. 345. In this case the court in commenting on the case of *Chicago v. Bunker*, 112 Ill. App. 94, stated that the city ordinance in that case went further than the one in the case at bar.

9. *People v. Schneider*, (Mich. 1905) 103 N. W. Rep. 172, 12 Det. L. N. 32, 69 L. R. A. 345.

10. *Com. v. Hawkins*, 14 Pa. Dist. Rep. 592. *Compare Washington Elec. Vehicle Transp. Co. v. District of Columbia*, 19 App. Cas. (D. C.) 462.

11. *Washington Elec. Vehicle Transp. Co. v. District of Columbia*, 19 App. Cas. (D. C.) 462.

§ 4. Constitutional law.

In almost all of the cases where automobile legislation has been contested it has been urged that the legislation requiring the registration and licensing, or prescribing other duties of automobilists, was unconstitutional as imposing burdens upon the automobile driver which were not imposed against others, consequently there was an unauthorized and unconstitutional discrimination or class legislation, but the contention has been decided to be unsound, and the legislation, generally, has been upheld.¹² Automobiles may be excluded from a scheme of municipal taxation in the exercise of the power of a municipal corporation to classify vehicles for the purpose of a vehicle tax ordinance.¹³ So also vehicles of nonresidents who habitually use the streets of the city may be excluded from the scheme of taxation, although the vehicles belong to the same category as those subject to the tax if owned by residents.¹⁴ An ordinance of a city which requires the registration and numbering of automobiles, and requiring the payment of one dollar to

12. Christie v. Elliott, 215 Ill. 31, 74 N. E. Rep. 1035, vol. 1 L. R. A. (N. S.) 124; Com. v. Boyd, 188 Mass. 79, 74 N. E. Rep. 255; People v. Schneider, (Mich. 1905) 103 N. W. Rep. 173, 12 Det. L. N. 32, 69 L. R. A. 345; People v. MacWilliams, 91 N. Y. App. Div. 176, 86 N. Y. Supp. 357; Com. v. Denimore, 13 Pa. Dist. Rep. 639.

Pointing out constitutional provision violated.—Where it was attempted to question the constitutionality of the Missouri Automobile Act of 1903, which required a license on the part of persons desiring to operate an automobile, the court declined to consider the question, because neither the article, nor the section of the Constitution claimed to have been violated, was pointed out or referred to in the defendant's motions or briefs. State v. Cobb, (Mo. App.) 87 S. W. Rep. 551.

13. Kersey v. Terre Haute, 161 Ind. 471, 68 N. E. Rep. 1027.

14. Kersey v. Terre Haute, 161 Ind. 471, 68 N. E. Rep. 1027.

cover the value of figures furnished by the city to form the number, was held not to constitute a license for revenue, but merely a regulation.¹⁵ A law requiring the registration of automobiles and the displayment of a number in the rear corresponding to the registration number does not violate a constitutional provision forbidding unreasonable searches, nor a violation of a provision declaring that no person shall be compelled in any criminal case to be a witness against himself, or be deprived of his liberty or property without due process of law.¹⁶ A statute of the state of *New York*, which provided for the registration of automobiles by owners, was attacked as unconstitutional, and it was contended that one of its provisions requiring a number corresponding to the number of the certificate obtained on registering the vehicle shall be conspicuously attached on the rear of the vehicle so as to be plainly visible was inoperative, and that a failure to comply with the requirement constituted no crime. Another provision of the act was claimed to be class legislation, in conflict with the Fourteenth Amendment of the Federal Constitution, because it provided that the section "shall not apply to a person manufacturing or dealing in automobiles or motor vehicles, except those for his own private use, and except those hired out." The court declared that it was not necessary to determine the competency of the legislature to discriminate in this way between dealer and manufacturer on the one hand, and private owners on the other, in using automobiles on the public

15. People v. Schneider, (Mich. 1905) 103 N. W. Rep. 172, 12 Det. L. N. 32, 69 L. R. A. 345.

16. People v. Schneider, (Mich. 1905) 103 N. W. Rep. 172, 12 Det. L. N. 32, 69 L. R. A. 345.

highways, as the statute in its proper construction did not exempt the manufacturer or dealer when he takes an automobile which he has in stock for sale, or for repairs, or in storage, out upon the public streets, and operates it by its own power, from the duty of registering the automobile and attaching to it a tag containing the number corresponding to the certificate.¹⁷ The Act of 1903 of *Pennsylvania* which required the registration of automobiles was held not to be unconstitutional as lacking uniformity, because it provided that the law shall not apply "to any of the motor vehicles which any manufacturer or vendor of automobiles may have in stock for sale and not for his private use or hire."¹⁸ But the section of the Pennsylvania Act of April 19, 1905, P. L. 217, so far as the exemption of "any motor vehicle which any manufacturer or vendor may have in stock, and not for hire or for his private use," is concerned, is inoperative and futile. The provision is inconsistent with the remainder of the act. None of the provisions apply to motor vehicles or automobiles at all, but only to the persons engaged in operating them.¹⁹ This ruling of the Attorney-General's Department of Pennsylvania is doubtful as a sound proposition of statutory construction. A provision of an act which requires owners of automobiles to take out a license is obscure where the title provides for licensing operators. The title is misleading since the owner may be one person and the operator another. Even though the legislature may have intended to

17. *People v. MacWilliams*, 91 N. Y. App. Div. 176, 86 N. Y. Supp. 357.

18. *Com. v. Densmore*, 29 Pa. Co. Ct. Rep. 219.

19. *In re Automobile Acts*, 15 Pa. Dist. Rep. 83.

license the machine or the operator, a penal statute must be taken as it is written.²⁰

§ 5. Licenses.

A license to operate an automobile is merely a privilege. It does not constitute a contract, and may be revoked for cause. Some of the states have provided for revoking licenses to operate automobiles. This is a feature of the legislation in *New Jersey* and in *England*.

*The fee charged for registering an automobile is plainly a license fee and not a tax.*²¹

§ 6. Operation and effect of license.

Even after having obtained authority to operate one's car in the state, county, or city, the license is a protection only within the jurisdiction of the authorities granting it. Thus, where a *Missouri* statute provided that any person desiring to operate an automobile in a city must procure a license from the license commissioner thereof, and if he desires to operate it in the county outside the city limits he shall procure a license from the county clerk of such county, it was held that the owner of an automobile was required to take out a license in each and every county over the

20. Com. v. Densmore, 13 Pa. Dist. Rep. 639, 29 Pa. Co. Ct. Rep. 217, holding that the provisions of the Pennsylvania Act, April 23, 1903 (P. L. 268), requiring the owners of automobiles to take out licenses, was so uncertain that a conviction for the violation could not be sustained in view of the fact that there is nothing in the act as to what the license shall contain, and that the title of the act refers to the licensing of "operators" and not "owners" of automobiles. See also *In re Automobile Acts*, 15 Pa. Dist. Rep. 83.

21. Com. v. Boyd, 188 Mass. 79, 74 N. E. Rep. 255.

roads of which he desires to operate his automobile.²² Of course the rule here stated must be considered as inapplicable to state registration and licensing where, by statute, nonresident licensed and duly registered motorists are exempted. In some of the states it is provided that machines owned by nonresidents and driven by persons residing and registered in some other state may be operated on the public highways and streets.

22. State v. Cobb, (Mo. App. 1905) 87 S. W. Rep. 551.

CHAPTER VI.

OPERATION ON HIGHWAY.

- SEC. 1. Right to operate on the highway.
2. Care in operating — Restive horses.
3. The law of the road — In general.
4. Vehicles meeting and passing.
5. Rule not inflexible, but is a rule of negligence.
6. Presumption arising from disobedience.
7. Where one traveler overtakes and passes another.
8. Collision — Contributory negligence.
9. Rights of footmen and vehicles — Children in the street.
10. Injury resulting from fright.
11. Roadworthiness of vehicle, tackle or gearing.
12. Street crossings, crossroads.
13. Vehicles standing on the highway.
14. Liability of owner for acts of person operating car.
15. Speed regulations.
16. Injuries resulting from defects in highway.
17. Care in avoiding defects — Contributory negligence.
18. Notice of defects — Notice of accident.

§ 1. Right to operate on the highway.

The owner of an automobile has a right to use the highway provided that he does not violate the law in so doing.¹ The law does not denounce motor carriages as such on the public ways. For so long as they are constructed and propelled in a manner consistent with the use of highways, and are calculated to subserve the public as a beneficial means of transportation with reasonable safety to travelers by ordinary modes, they have equal right with other vehicles in

1. Christie v. Elliot, 216 Ill. 48, 1 L. R. A. (N. S.) 124, 74 N. E. Rep. 1035; Chicago v. Bunker, 112 Ill. App. 94; Shinkle v. McCullough, 116 Ky. 960, 965.

common use to occupy the streets and roads.² Their use, nevertheless, should be accompanied with that degree of prudence in management and consideration for the rights of other which is consistent with their safety.³

§ 2. Care in operating — Restive horses.

The rule of the common law is and always has been that, although a person might travel the highway with a conveyance which is likely to frighten horses, yet, while doing so, he must exercise reasonable care to avoid accident and injury to others traveling along the highway.⁴ The fact that motor vehicles are novel and unusual in appearance, and for that reason likely to frighten horses unaccustomed to see them, is no reason for prohibiting the use of automobiles.⁵ It is

2. Indiana Springs Co. v. Brown, 74 N. E. 615.

3. Shinkle v. McCullough, 116 Ky. 960, 965.

4. Murphy v. Wait, 102 N. Y. App. Div. 121, 92 N. Y. Supp. 253.

See also Upton v. Windham, 75 Conn. 288, 293, where the court said: "The passing of an automobile driven with ordinary care and at a reasonable speed, and the fright and shying of a gentle horse, constitute one of those events in the proper use of the highway calling for its maintenance in a safe condition"

5. Indiana Springs Co. v. Brown, 74 N. E. 615, 616, where it was said: "In all human activities the law keeps up with improvement and progress brought about by discovery and invention, and, in respect to highways, if the introduction of a new contrivance for transportation purposes, conducted with due care, is met with inconvenience and even incidental injury to those using ordinary modes, there can be no recovery, provided the contrivance is compatible with the general use and safety of the road. It is, therefore, the adaptation and use, rather than the form or kind of conveyance, that concerns the courts. It is improper to say that the driver of the horse has rights in the road superior to the driver of the automobile. Both have the right to use the easement, and each is equally restricted in the exercise of his rights by the corresponding rights of the other. Each is required to regulate his own use by the observance of ordinary care and caution to avoid receiving injury as well as inflicting injury upon the other."

the duty of one operating a motor car to take all proper precautions against frightening horses or other domestic animals met on the highway.⁶ The quantum of care required is to be estimated by the exigencies of the particular situation; that is, by the place, presence, or absence of other vehicles and travelers; whether the horse driven is wild or gentle; whether the conveyance or power used are common or new to the road; the known tendency of any feature to frighten animals, etc.⁷ If the operator knew, or could have known by the exercise of ordinary care, that the machine in his possession and under his control has so far excited a horse as to render the horse dangerous and unmanageable, it is the motorist's duty to stop his automobile and take such other steps for the other traveler's safety as ordinary prudence might suggest.⁸ To drive a noisy machine at a high rate of speed so that a traveler's horse is frightened is negligence and renders the motorist liable to damages.⁹ To drive an automobile at a speed of twenty miles an hour towards a horse and carriage on a narrow approach to a bridge, whence there was no escape for the horse except by proceeding forward to a cross street, and, though seeing the terror of the horse and its driver's signals to stop, to refuse to slacken its speed, and thus to cause the horse to run away, is an unwarrantable use of the

6. Shinkle v. McCullough, 116 Ky. 960, 965; Indiana Springs Co. v. Brown, 74 N. E. 615.

7. Indiana Springs Co. v. Brown, 74 N. E. 615, 616.

8. Shinkle v. McCullough, 116 Ky. 960, 965.

9. Shinkle v. McCullough, 116 Ky. 960. See also Mason v. West, 61 N. Y. App. Div. 160. Whether a motor car is a nuisance or not is a question for the jury. See Barlow, *The Law of Mechanical Traction on Highways*, p. 276.

highway, rendering the motorist liable for damages.¹⁰ It is a common statutory provision at the present time to require a motorist to stop upon a signal by the driver of a horse or other domestic animal, and to remain stationary long enough to allow the horse or domestic animal to pass. A motorist must obey such a statute or be liable for the consequences.¹¹ Independently of such a statute, or the giving of a signal, the automobilist should stop when he sees that he is frightening a horse by proceeding.¹² Under a statute providing that "whenever it shall appear that any horse driven or ridden by any person," etc., is about to become frightened, the motorist shall stop, etc., it is proper to instruct the jury that if it might appear to the motorist, by the exercise of reasonable diligence, that the horse was about to become frightened, it would be the motorist's duty to stop.¹³ A finding of negligence on the part of a defendant, driver of an automobile, is not authorized by evidence that, when at the top of a hill he saw the plaintiff's team at the foot of it, he disconnected the engine from the running gear of his machine, and ran down by gravity, at a speed of three or four miles an hour, passing the team five or six feet from it, without stopping, though just as he was opposite it the horse swerved and threw the plaintiff out; the horse till then having given no sign of restiveness, and the plaintiff having given the defendant no signal to stop.¹⁴ Of course those persons

10. Indiana Springs Co. v. Brown, 74 N. E. 615.

11. Murphy v. Wait, N. Y. App. Div. 121, 92 N. Y. Supp. 253.

12. Christy v. Elliott, 216 Ill. 31, 1 L. R. A. (N. S.) 124, 74 N. E. Rep. 1035.

13. Christy v. Elliott, 216 Ill. 31, 45. 1 L. R. A. (N. S.) 124, 74 N. E. Rep. 1035.

14. Davis v. Maxwell, 108 App. Div. 128, 96 N. Y. Suppl. (130 St.

using horses which they know to be unmanageable may be liable for contributory negligence and so lose their right of action.

§ 3. The law of the road — In general.

A highway is for the use of the public at large; indeed it has been defined to be a road which every citizen has a right to use. This being so, it is necessary that the travel and traffic on the highway shall be governed by certain laws that the rights of each citizen may be certain of protection. The rules by which travel on highways are governed in English speaking countries are called "The law of the road."¹⁵ These rules were established by custom in England,¹⁶ and so were they established in this country, for, although a number of states have statutes prescribing these rules, these statutes are for the most part merely declarative of what had already become

Rep.) 45, holding that where the court instructed that if the defendant drove his machine down toward the plaintiff at the speed and in the threatening manner claimed by the plaintiff the jury might determine whether the defendant was negligent, but did not instruct as to how they should consider the defendant's conduct if he passed as he testified, a new trial should be granted: an inference of negligence not being authorized from the manner of passing testified to by defendant, and it being likely that the jury concluded that though he passed as he testified he was negligent in passing without stopping and nearer than necessary. See *Harris v. Nubbs*, L. R 3 Exch. Div. 268, 273.

15. Angell, Highways, sec. 2.

"The fundamental idea of a highway is not only that it is public for free and unmolested passage thereon by all persons desiring to use it, — all the inhabitants of the said township, and of all other good citizens of the commonwealth going, returning, passing and repassing, in, along, and through the highway. The use of a highway is not a privilege, but a right, limited by the rights of others and to be exercised in a reasonable manner." *Radnor Tp. v. Bell*, 27 Pa. Super. Ct. 1, 5.

16. Angell, Highways, sec. 333.

an established custom.¹⁷ Proof of the custom is not necessary, for the court will take judicial notice of its existence.¹⁸

§ 4. Vehicles meeting and passing.

The first and not the least important class of cases to which the law of the road applies is where two vehicles approach, meet, and pass one another on the highway. In England and Canada the primary rule is that when two vehicles meet each should keep to the left. In this country the universal rule is, as every one knows, that each of two vehicles which meet should keep to the right.¹⁹ Custom in this country generally requires that each of two vehicles approaching and meeting should pass on the right of the center of the traveled portion of the highway,²⁰ or at least to keep sufficiently to the right to afford a safe and free passage to the other vehicle.²¹ This rule has been enacted by statute in many states, the usual requirement being to turn to the right of the center of the road.²² The phrase "center of the road," as used in these statutes,

17. Elliott, Roads and Streets, (2d ed.) sec. 828.

18. Elliott, Roads and Streets, (2d ed.) sec. 830.

19. Angell, Highways, sec. 328; Palmer v. Baker, 11 Me. 338; Jaqnith v. Richardson, 8 Met. (Mass.) 213; Easring v. Lansingh, 7 Wend. (N. Y.) 185; Smith v. Dygert, 12 Barb. (N. Y.) 613.

20. Cooley, Torts, p. 666.

21. Wilson v. Rockland, 2 Harr. (Del.) 67.

22. **See for example.** — Cal. Pol. Code, sec. 2931; Diehl v. Roberts, 134 Cal. 164, 66 Pac. 202; Ill. Rev. St., ch. 121, sec. 77; Dunn v. Moratz, 92 Ill. App. 477; Mass. Pub. St., ch. 93, sec. 1; New York Highway Law, sec. 157 (2 Birdseye Sts. 1638); Wright v. Fleischman, 41 Misc. 533, 85 N. Y. Suppl. 62.

A statute requiring the turning to the right of the center of the road is only a recognition of the common-law rule of the road, which would exist without statutory enactment. Wright v. Fleischman, 41 Misc. 533, 85 N. Y. Suppl. 62.

has been held to mean the center of the traveled or wrought part of the road.²³ When the highway is covered by snow, travelers who meet must turn to the right of the beaten or traveled part of the road since it was covered by snow, irrespective of the position of what is the wrought or traveled part of the road when not covered by snow.²⁴ This rule to turn to the right of the center of the road applies to vehicles passing on the same side of roads and streets which are so wide that to pass safely there is no necessity to turn to the right of the center line.²⁵ The statutes usually require that vehicles which meet on the highway shall seasonably turn to the right.²⁶ This requirement has been held to mean that each should turn to the right in such season that neither shall be retarded by reason of the other's occupying his half of the way.²⁷ It has been held that it is not necessary for a person to turn to the right so that all of his vehicle is on the right of the center of the highway. If he turns out far enough so that another vehicle may pass safely without turning out at all, the statute has been sufficiently complied with.²⁸

23. Clark v. Com., 4 Pick. (Mass.) 125. See, however, Daniel v. Clegg, 38 Mich. 32, holding that the phrase "traveled part of the road" in such a statute means that part which is wrought for traveling, and is not confined simply to the most traveled wheel track.

24. Jaquith v. Richardson, 8 Mete. (Mass.) 213; Smith v. Dygert, 12 Barb. (N. Y.) 613.

25. Wright v. Fleischman, 41 Misc. 533, 85 N. Y. Suppl. 62.

26. See for example Ill. Rev. Sts., ch. 121, sec. 77; Cal Pol. Code, sec. 2931; N. Y. Highway Law, sec. 157 (2 Birdseye Sts. 1644).

27. Neal v. Randall, 98 Me. 69, 56 Atl. 209, 63 L. R. A. 668.

28. Buxton v. Ainsworth, (Mich.) 101 N. W. 817, 11 Det. Leg. N. 684.

§ 5. Rule not inflexible, but is a rule of negligence.

Properly considered, the rule of the road is a rule of negligence, and the fact that a person was on the wrong side of the road when a collision took place does not *per se* make him liable for damages, but his liability is determined by the rules of law applicable to cases of negligence.²⁹ The rule is not an inflexible one, and a deviation therefrom is often proper and sometimes necessary,³⁰ and a too rigid adherence to the rule, when injury might have been averted by variance therefrom, may render a traveler liable.³¹ A deviation from the rule is often necessary in the crowded streets of a metropolis,³² and it has been held that when a light vehicle meets and passes one heavily laden it should yield to the heavier vehicle,³³ which, however, ought to stop, if reasonable care requires it, to give the lighter vehicle opportunity to pass.³⁴ Moreover it is self-evident that a vehicle may occupy any part of the road so long as that particular portion is not being used by another;³⁵ but it is equally clear that a person who has his vehicle in that situation is

29. Neal v. Randall, 98 Me. 69, 56 Atl. 209, 63 L. R. A. 668; Palmer v. Barker, 11 Me. 338; Parker v. Adams, 12 Metc. (Mass.) 416; Brooks v. Hart, 14 N. H. 307.

30. Turley v. Thomas, 8 Carr. & Payne 103.

Custom requires a vehicle to keep to the right unless circumstances require it to go to the left. Lee v. Foley, 113 La. 663, 37 So. 594.

31. Johnson v. Small, 5 B. Mon. (Ky.) 25; Smith v. Gardner, 11 Gray (Mass.) 418; Brooks v. Hart, 14 N. H. 307; O'Malley v. Dorn, 7 Wis. 236; Allen v. Mackay, 1 Sprague (U. S.) 219; The Commerce, 3 W. Rob. 295.

32. Wayde v. Carr, 2 Dow. & Ry. 255.

33. See Lee v. Foley, 113 La. 663, 37 So. 594.

34. Kennard v. Burton, 25 Me. 39, 43 Am. Dec. 249.

35. Parker v. Adams, 12 Metc. (Mass.) 403; Daniel v. Clegg, 38 Mich. 32.

bound to use more care and caution against collision with any other vehicle he may chance to meet than if he were pursuing his course according to the law of the road,³⁶ and when the other vehicle approaches he must, at least in the great majority of cases, seasonably turn to his own side of the road;³⁷ for in taking the wrong side of the street he might generally be held to have assumed the risk of consequences which may rise from his inability to get out of the way of a vehicle on the right side of the street, and is responsible for injuries sustained by the latter while exercising due care.³⁸

§ 6. Presumption arising from disobedience.

If, however, a collision take place, the presumption is against the person on the wrong side of the road,³⁹ and his traveling thus contrary to the law is *prima facie* evidence of negligence on his part,⁴⁰ especially if the accident happen in the dark.⁴¹ The presumption

36. Pleickwell v. Wilson, 5 Carr. & Payne, 103.

37. Parker v. Adams, 12 Mete. (Mass.) 403; Daniel v. Clegg, 38 Mich. 32.

38. Fahrney v. O'Donnell, 107 Ill. App. 608.

39. Cooley, Torts, p. 666; Daniels v. Clegg, 28 Mich. 32; Brooks v. Hart, 14 N. H. 307; Buxton v. Ainsworth, (Mich.) 101 N. W. 817, 818, 11 Det. Leg. N. 684; Perlstein v. American Export Co. 177 Mass. 730, 59 N. E. 194, holding that evidence that plaintiff was not on the right side of the street, close to the sidewalk, and that the other vehicle was going very fast in the opposite direction when the collision took place was sufficient, when unexplained, to indicate negligence.

40. Steele v. Burkhardt, 104 Mass. 59; Spofford v. Harlow, 3 Allen (Mass.) 176; Burdick v. Worrall, 4 Barb. 596. See, however, Foot v. American Produce Co., 195 Pa. 190, 49 L. R. A. 764, holding that a city ordinance requiring a vehicle to travel on the right side of the street could be considered with other evidence, but that in itself it was not sufficient evidence of negligence of one going on the other side.

41. Angell v. Lewis, 20 R. I. 391, 39 Atl. 521.

is not, however, conclusive.⁴² If it be overcome by evidence of the circumstances, or if it appear that the fault, if found, did not essentially contribute to the injury in question, the fact that the traveler may have been in a sense out of place does not place him beyond the protection of the law.⁴³ Thus, if one is obliged by reason of an obstacle in the road to go to the wrong side of the highway and his vehicle collides, without his fault, with that of another, there is no liability as against him who took the wrong side of the road.⁴⁴

§ 7. Where one traveler overtakes and passes another.

In England the traveler who overtakes and passes another must pass on the off side of the forward traveler, who should, at the same time, go to the left. It is said that in this country there is no rule regulating how the overhauling vehicle should pass the one in front.⁴⁵ It is doubtful, however, if it can be said that there is no rule fixing a way the following vehicle should pass the one ahead. It is customary in many parts of the country for the vehicle in the rear to pass on the left side; that is, just the opposite from the English rule; and it is perfectly apparent that this custom is dictated by common sense. This has been recognized in some of the recent automobile laws.⁴⁶ Nevertheless it has been held that the law of the road applies only to travelers who approach each other from opposite directions,⁴⁷ and that the advance

42. Riepe v. Elting, 89 Iowa 82, 56 N. W. 285, 26 L. R. A. 769.

43. Buxton v. Ainsworth, (Mich.) 101 N. W. 817, 818, 11 Det. Leg. N. 684.

44. Strouse v. Whittlesey, 41 Conn. 559.

45. Angell, Highways, sec. 340.

46. See N. Y. Automobile Law of 1903.

47. Bolton v. Colder, 1 Watts (Pa.) 360.

traveler is under no obligation to turn to either side to allow the following traveler to pass.⁴⁸ In *Louisiana* it has been held that the driver or owner of the rear vehicle passes, at his peril, the forward one, and is responsible for all damage caused thereby.⁴⁹ Even though there may be a set rule how a following vehicle should pass the one in front, it would seem that such a rule, like the one covering vehicles approaching from opposite directions, will be merely a rule of negligence, and the liabilities of parties would be subject to the law of negligence. In fact it has been held that the driver of a vehicle who sees a team on the run overtaking him, but not having any reason to believe that the driver had lost control of his team, was not guilty of contributory negligence in not turning out, where there was plenty of room for the team to pass.⁵⁰

§ 8. Collision — Contributory negligence.

As in other cases of negligence, a traveler injured by a collision on the highway must be free from contributory negligence,⁵¹ and where a suit is brought plaintiff must prove both care on his part and want of care on the part of the defendant.⁵² Under this rule

48. Bolton v. Colder, 1 Watts (Pa.) 360.

49. Avegno v. Hart, 35 La. Ann. 235.

50. Elenz v. Conrad, 123 Iowa 522, 99 N. W. 138.

51. McLane v. Sharpe, 2 Harr. (Del.) 481; Larrabee v. Sewell, 66 Me. 376; Parker v. Adams, 12 Met. (Mass.) 415; Daniels v. Clegg, 28 Mich. 32; Wynn v. Allard, 5 Watts & S. (Pa.) 524; Wood v. Lusecomb, 23 Wis. 287; Brooks v. Hart, 14 N. H. 307; Drake v. Mount, 33 N. J. L. 441; Moody v. Osgood, 54 N. Y. 488; Pluckwell v. Wilson, 5 Car. & P. 375; Williams v. Holland, 6 Car. & P. 23; Wayde v. Lady Carr, 2 Dowl. & R. 255.

52. Kennard v. Burton, 25 Me. 39; Carsley v. White, 21 Pick. (Mass.) 234; Rathbun v. Payne, 19 Wend. (N. Y.) 399; Butterfield v. Boyd, 4 Blatchf. (U. S.) 356.

it has been held that the proof of unskillful or reckless driving will prevent plaintiff's recovery if his conduct has actually contributed to the injury.⁵³ Furthermore, it is clear that the traveler whose part of the way is trenched upon by another cannot, for that reason, carelessly and imprudently rush upon the other party, or his vehicle, and if he sustain an injury recover damages therefor. He may probably attempt to pass if such attempt would be reasonably safe and prudent. If otherwise, he must delay, and seek redress for the detention if damage result therefrom.⁵⁴ But no negligence on plaintiff's part which does not contribute to the injury will prevent his recovery.⁵⁵ Thus negligence of the driver in the management of his vehicle after a collision caused by defendant's negligence will not relieve defendant from liability, unless plaintiff's act actually contributed to the result.⁵⁶

§ 9. Rights of footmen and vehicles — Children in the street.

The rights of footmen and drivers in the highway are equal and both must exercise such care as circumstances demand.⁵⁷ A motorist is bound to anticipate that he may meet persons at any point in a public street. He must, therefore, keep a careful lookout for them and have his car under such control as will enable him to avoid injury to any one and, if neces-

53. Peoria Bridge Assoc. v. Loomis, 20 Ill. 235; Pittsburgh Southern R. Co. v. Taylor, 104 Pa. 306; Acker v. Anderson County, 20 S. C. 495; Cassedy v. Stockbridge, 21 Vt. 391; Flower v. Adam, 2 Taunt. 314.

54. Brooks v. Hart, 14 N. H. 307, 313.

55. Kennard v. Burton, 25 Me. 39; Parker v. Adams, 12 Mete. (Mass.) 415; Clay v. Wood, 5 Esp. 44; Chaplin v. Hawes, 3 Car. & P. 555; Wayde v. Lady Carr, 2 Dowl. & R. 255.

56. Belk v. People, 125 Ill. 584.

57. Elliott, Roads and Streets, see. 834.

sary, he must slow up and even stop.⁵⁸ An adult or an infant has the right to assume that the operator of an automobile will exercise care and respect the rights of pedestrians when there is occasion to turn a corner. Due care requires in such circumstances that the vehicle should be slowed down and operated with care. At such a place the operator is bound to take notice that people may be at the crossing; and this obligation on his part is one which a pedestrian has a right to assume will be observed.⁵⁹ If the motorist meets children of tender years in the street he is required to exercise more than ordinary care to avoid accident.⁶⁰ The mere fact that a six-year-old boy, run over by a motor car, was found in the street, and played on the street, is not *per se* negligence on the part of his parents, but whether his parents were negligent is a question for the jury.⁶¹ It is not the duty of a driver to keep a lookout behind to see whether children are climbing on the rear of his vehicle. It is his duty to look ahead.⁶² That the peculiarity of his vehicle excites the desire of children to climb upon it does not alter the case.⁶³ In an action for the death of a boy run over by a motor car, the fact that the accident did not happen at a street crossing, but at a point between blocks, may be considered by the jury on the issue of negligence.⁶⁴ It must affirmatively appear that plaintiff was not guilty of contributory

58. Thies v. Thomas, 77 N. Y. Supp. 276.

59. Buscher v. New York Transportation Co., 94 N. Y. Supp. 798.

60. Thies v. Thomas, 77 N. Y. Supp. 276.

61. Thies v. Thomas, 77 N. Y. Supp. 276.

62. Hebard v. Mabie, 98 Ill. App. 543.

63. Hebard v. Mabie, 98 Ill. App. 543.

64. Thies v. Thomas, 77 N. Y. Supp. 276.

negligence.⁶⁵ In an action to recover for the death of a six-year-old boy, it is a question for the jury whether his playing on the street was contributory negligence.⁶⁶ If an automobile comes upon a boy in such a way as to produce terror, and his fear causes an error of judgment by which he runs in front of the automobile, he is not guilty of contributory negligence.⁶⁷

§ 10. Injury resulting from fright.

In an ordinary case of injury through the reckless driving of an automobile on the highway, the rules of liability are well settled and comparatively simple. Let us suppose, however, a case of a person who is walking on the street or highway and a motor car is so recklessly driven that he, through no fault of his own, suffers, from fright, a severe nervous shock which seriously injures him, the injury being due solely to the fright thus caused, not to any immediate physical injury from the car. Has he any ground for recovery? Very high American authority, followed in several States, is against recovery upon these facts.⁶⁸ This conclusion was reached by starting with the sound proposition that damages are not recoverable for mere fright. "Fear," says Sir Frederick Pollock, "taken alone falls short of being actual damage, not because it is remote or unlikely consequence, but because it can be proved and measured only by physical effects."⁶⁹ But from the proposition that recovery

65. *West v. New York Transportation Co.*, 94 N. Y. Supp. 426.

66. *Thies v. Thomas*, 77 N. Y. Supp. 276.

67. *Thies v. Thomas*, 77 N. Y. Supp. 276.

68. *Mitchell v. Rochester Ry. Co.*, 151 N. Y. 107.

69. Pollock, *The Law of Torts*, p. 51.

could not be had for fright alone the court reasoned that no recovery can be had for injuries resulting therefrom. "That the result may be nervous disease, blindness, insanity, or even a miscarriage, in no way changes the principle. These results merely show the degree of fright or the extent of the damages. The right of action must still depend upon the question whether recovery may be had for fright. If it can, then an action may be maintained, however slight the injury. If not, then there can be no recovery, no matter how grave or serious the consequences."⁷⁰ This reasoning has been criticised and seems to have been overthrown in a well-known English case.⁷¹ In that case the court said: "No doubt damage is an essential element in a right of action for negligence. I cannot successfully sue him who has failed in his duty of using reasonable skill and care towards me unless I can prove some material and measurable damage. If his negligence has caused me neither injury to property nor physical mischief, but only an unpleasant emotion of more or less transient duration, an essential constituent of a right of action for negligence is lacking. * * * It may, I conceive, be truly said that, viewed in relation to an action for negligence, direct bodily impact is, without resulting damage, as insufficient a ground of legal claim as the infliction of fright. That fright—where physical injury is directly produced by it—cannot be a ground of action merely because of the absence of any accompanying impact appears to me to be a contention both unreasonable and contrary to the weight of authority.

70. Mitchell v. Rochester Ry. Co., 151 N. Y. 107, 109, 110.

71. Dulien v. White, 2 K. B. 669.

* * * If, as must be assumed here, the fear is proved to have naturally and directly produced physical effects, so that the ill results of the negligence which caused the fear are as measureable in damages as the same results would be if they arose from an actual impact, why should not an action for those damages lie just as well as it lies where there has been an actual impact?⁷² In connection with the compelling reasoning of the English court, we should remind ourselves that it is settled law, as we have already seen, that if a horse be frightened by the negligent operation of an automobile upon the highway, and physical injury results directly from the fright of the horse, a good cause of action lies. If an action lies for damages resulting from the fear of an unreasonable animal, an animal without a grain of sense when its fear is aroused, on what principle can we say that damages cannot result from the fear of an individual? Of course not every shock which produces physical injury gives cause of action to the sufferer. The nervous shock must be one which arises from a reasonable fear of immediate personal injury to oneself.⁷³

§ 11. Roadworthiness of vehicle, tackle, or gearing.

It is the duty of a motorist to have good tackle and gearing, and to have his car in good condition for the road, that he may thus avoid, as much as possible, the

72. Dulien v. White, 2 K. B. 669, 673, 675, where a woman who was pregnant was sitting behind the bar of the public house of her husband and a pair-horse van was driven into the public house and she sustained a severe nervous shock and gave premature birth to the child she had been carrying and the child born was, in consequence, an idiot.

73. Dulien v. White, 2 K. B. 669, 675, where the court said: "A. has, I conceive, no legal duty not to shock B.'s nerves by the exhibition of negligence towards C., or towards the property of B. or C."

chance of causing injury to others.⁷⁴ The mere fact that some of the gearing gave way, or that some part of the vehicle broke down, and injury resulted, would not be negligence *per se*.⁷⁵ "If damages are inflicted by reason of the breaking of the carriage or tackle of the traveler on the highway the traveler or owner of the tackle or vehicle is liable only on the principal of want of ordinary care."⁷⁶ The fact that gearing or tackle acted wrongly on a previous occasion is evidence of negligence on the part of the owner, and may be sufficient to render him liable for damages caused thereby.⁷⁷

§ 12. Street crossings, crossroads.

At the crossing of two highways travelers on both roads or streets have equal rights, and each traveler is bound to exercise ordinary care to avoid injury to others.⁷⁸ If a person injured in crossing a street failed to exercise ordinary care and prudence for his own safety, it is nevertheless proper to leave to the jury the question whether, if the driver of vehicle by which he has been injured had been watchful, he could have discovered the peril to which plaintiff was exposed in time to have avoided injury.⁷⁹

§ 13. Vehicles standing on the highway.

Under many circumstances the owners of vehicles have the right to let them stand on the highway for a

74. Weleh v. Lawrencee, 2 Chitty 262; Johnson v. Small, 5 B. Mon. (Ky.) 25; Smith v. Smith, 2 Pick. (Mass.) 621; Murdock v. Warwick, 4 Gray (Mass.) 178.

75. Doyle v. Wragg, 1 F. & F. 7; The European, 10 L. R. Prob. Div. 99.

76. 1 Thompson Negligence, p. 81. See also Elliott, Roads and Streets.

77. The European, 10 L. R. Prob. Div. 99.

78. Gilbert v. Burque, 72 N. H. 521, 57 Alt. 927.

79. Duter v. Sbaren, 81 Mo. App. 612.

reasonable time and in such a place as will not unduly interfere with travel on the road. When, therefore, a motor car is lawfully standing on the side of the street and there is ample room to pass without colliding with it, it is negligent to drive into it.⁸⁰ When, however, the person in charge of a motor car leaves it upon the street it is his duty to take all reasonable care that no injury will result during the time the machine is there, especially if the car be left standing alone with no person in charge of it. It is not his duty before leaving the car to chain it to a post or in some manner to fasten it so that it would be impossible for it to be started by a third person.⁸¹ If, during the absence of the person in charge of the car and after he had turned off the power and applied the brake, the car be started by the willful act of two small boys and collide with a wagon, the unauthorized interference and act of the boys is the proximate cause of the injury and the owner of the car is not liable.⁸²

§ 14. Liability of owner for acts of person operating car.

Undoubtedly the owner of a motor car is liable for the acts of his servant who is managing it while acting as an employee and within the scope of his employment. The owner is not, however, liable where the proximate cause of the injury was not the acts of his servant, but the intermeddling of a third person.⁸³ A dealer in automobiles cannot be held liable for the act of his son who was also an employee, but not act-

80. Odom v. Schmidt, 52 La. Ann. 2129, 28 So. 350.

81. Berman v. Schultz, 84 N. Y. Supp. 292.

82. Berman v. Schultz, 84 N. Y. Supp. 292.

83. Berman v. Schultz, 84 N. Y. Supp. 292. See *supra*, ch. VI., sec. 11.

ing as such at the time, and who was using his father's car without the latter's consent or knowledge.⁸⁴

§ 15. Speed regulations.

An act regulating the speed of automobiles is not unconstitutional as class legislation.⁸⁵ In *Pennsylvania* a township of the first class has the power, under the Act of April 18, 1899, P. L. 104, to pass an ordinance fixing the maximum speed of motor cars at ten miles an hour, and the power is not suspended by Act of April 23, 1903, P. L. 268, which allows motor cars to maximum speed of twenty miles an hour outside of cities and boroughs.⁸⁶ In *Massachusetts* the Boston park commissioners have power to make rules for the use and government of the parkways under their control.⁸⁷ One who is controlling the motive power of an automobile may be said to be driving it within the meaning of a rule, made by a board of park commissioners, that no person shall "ride or drive" in a certain parkway at a rate of speed exceeding eight miles an hour.⁸⁸ Under a statute forbidding the driving of a motor car at any speed greater than is reasonable and proper, having regard to the traffic on the highway, a finding that a speed of eighteen miles an hour was excessive was correct, although there was no direct evidence that any traffic was interrupted, interfered with, incommoded, or affected; for the phrase "having regard to the traffic on the highway"

84. *Reynolds v. Buck*, (Iowa) 103 N. W. 946.

85. *Christy v. Elliott*, 216 Ill. 31, 1 L. R. A. (N. S.) 124, 74 N. E. Rep. 1035 [*construing* Act of May 13, 1903].

86. *Radnor Tp. v. Bell*, 27 Pa. Super. Ct. 1.

87. *Com. v. Crowninshield*, 17 Mass. 225.

88. *Com. v. Crowninshield*, 17 Mass. 225.

meant having regard to the traffic on the road, not to the traffic in the immediate vicinity of the motor.⁸⁹ Upon the elementary principle that before a person can be legally convicted of a crime he is entitled to be informed of precisely the charge made against him, a conviction of the violation of a highway law cannot be affirmed on the ground that defendant violated a section of the Penal Code.⁹⁰

89. Smith v. Boon, 84 L. T. 593 [*construing* The Light Locomotives on Highways Order, art. 4]. See also Mayhew v. Sutton, 86 L. T. 18. Other cases under this act are Rex v. Wells, 91 L. T. 98; Throughton v. Manning, 92 L. T. 855. See article "Prohibiting Reckless Motoring," Canadian L. Rev., February, 1906.

90. People v. Ellis, 88 N. Y. App. Div. 471, 472. The following were the provisions of the highway law in question: "Sections 163 and 169a of the Highway Law (Laws of 1890, ch. 568), as amended by chapter 625 of the Laws of 1903, provided as follows:

"Sec. 163 . . . No ordinance, rule or regulation adopted by the authorities of any city in pursuance of this section or of any other law shall require an automobile or motor vehicle to travel at a slower rate than eight miles per hour within the closely built up portions of such city, nor at a slower rate of speed than fifteen miles per hour where the houses in such city upon any highway are more than one hundred feet apart. . . .

"See 169a. . . . Any person who shall violate any of the provisions of this statute, or of any speed ordinance adopted pursuant hereto, upon conviction thereof, shall, in addition to the penalties provided in section one hundred and sixty-nine *b*, be further punished for a first offense by a suspension of his right to run an automobile for a period of not less than two weeks."

It was held that such sections of the Highway Law do not purport to fix a rate of speed or make it a crime to exceed any particular rate, but that they simply operate to prevent the authorities of a city from fixing a lower rate of speed for automobiles than eight miles an hour.

That an information which states that defendant propelled an automobile through the closely built portion of the city of New York at a speed of eighteen miles an hour is not permitted by any ordinance of said city, "wherefore, deponent charges defendant with having violated chapter 625 of the Laws of 1903," does not charge the commission of a crime.

§ 16. Injuries resulting from defects in highway.

In practically all of the states the municipalities and towns or townships are made responsible for injuries resulting from the unsafe condition of the highway. The liability is usually prescribed by statute, and the extent of liability is defined by the statute creating it. Where a statute provides that highways shall be kept in a reasonably safe condition for travelers with horses, teams, and carriages, the word "carriages" includes motor cars or automobiles.⁹¹ It has been held that in an action for injuries from a defect in the highway the question was not whether the town used ordinary care in construction and repair of its highway, but whether as a result the road as constructed and maintained was in fact reasonably safe for travelers.⁹² But the duty of a municipality to keep its highways in a reasonably safe condition does not include the providing against insufficiency caused by extraordinary events.⁹³

§ 17. Care in avoiding defects — Contributory negligence.

A person in charge of a vehicle must use ordinary care to avoid injury from any defect in the highway. Ordinary care is such care as prudent men ordinarily use in like circumstances, taking into consideration the time, place, condition of the highway, possible dangers, known obstructions, and the damage likely to result from driving carelessly at that particular time

91. Baker v. Fall River, (Mass.) 72 N. E. 336.

92. Moriarity v. Lewiston, 98 Me. 482, 57 Atl. 790. See Cunningham v. Clay Tp., 76 Pac. (Kan.) 907, holding that it is not a sufficient defense to show that the township officers have used ordinary care to prevent the defect on which the action is based.

93. Schrunk v. St. Joseph, (Wis. 1904) 97 N. W. 946.

and place.⁹⁴ Therefore it has been held that when a highway is of reasonable width and smoothness a person who drives outside such a way assumes the risk.⁹⁵ In many states want of contributory negligence on the part of the owner or of the driver must be affirmatively shown.⁹⁶ Likewise it is the duty of a passenger when he has an opportunity to do so, as well as the driver, to learn of any danger in the highway and avoid it if possible.⁹⁷ Mere knowledge of the defective condition of the road does not preclude recovery if the injured party used due care according to the danger which existed.⁹⁸ And although it be the duty of the driver to look where he is going, yet it cannot be laid down as an inflexible and unvaried rule of law that he must keep his eyes constantly fixed on the roadbed, and is affected with notice of every defect therein, great or small, which can be detected by doing so.⁹⁹ In considering the question of due care the jury may keep in mind the "Law of the Road" when it appeared the plaintiff went to the right side of the road to avoid some workmen, when the left side afforded a better way, and this although there was no other vehicle in the immediate vicinity.¹⁰⁰

94. Ford v. Whitman, (Del. Super. 1899) 45 Atl. 543.

95. Orr v. Oldtown, 99 Me. 190, 58 Atl. 984.

96. Orr v. Oldtown, 99 Me. 190, 58 Atl. 914.

97. Whitman v. Fisher, 98 Me. 575, 57 Atl. 895.

98. Gardner v. Wasco County, (Ore. 1900) 61 Pac. 834, rehearing denied, 62 Pac. 753.

99. Smith v. Jackson Tp., 26 Pa. Super. Ct. 234.

100. Baker v. Fall River, (Mass.) 72 N. E. 336.

§ 18. Notice of defects — Notice of accident.

In many states no recovery can be had of a township or a municipality for injury from a defective highway, unless the township or municipality can be said to have had notice of the defect from which the injury resulted; and in some states the notice must be actual notice, not notice inferable from the notoriety or long continuance of the defect in question.¹⁰¹ If the chairman of the selectmen and superintendent of streets has knowledge of the defect it is proper to find that the town was charged with notice.¹⁰² In many states it is necessary to file a notice, within a specified time, of an accident from a defect in the highway with an officer of the town, township, or municipality in which the injury was received. The requirements of such notice vary with different jurisdictions, but they must in all cases be substantially complied with.¹⁰³

101. Hair v. Ohio Tp., (Kan. 1900) 62 Pac. 1010 [*construing Gen. Sts. 1899, ch. 16, sec. 317*].

102. Pratt v. Inhabitants of Cohasset, 177 Mass. 488, 59 N. E. 79.

103. Dean v. Sharon, 72 Conn. 667, 45 Atl. 963; Joy v. Inhabitants of York, 99 Me. 237, 58 Atl. 1059; Garske v. Ridgeville, (Wis.) 102 N. W. 22.

CHAPTER VII.

PROOF OF SPEED.

- SEC. 1. Evidence of chauffeur or operator.
2. Observers may give estimates.
3. Qualifications of observers.
4. Weight of evidence.
5. Incorrect estimates.
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7. Line of vision.
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13. Effect of bias.
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§ 1. Evidence of chauffeur or operator.

Naturally, evidence as to the speed of an automobile is of more or less value or weight according to the situation of the witness at the time of the speed and the witness' experience. A child observing a passing automobile would, of course, be incapable of giving reliable testimony as to its speed, so also would the testimony of an adult be unreliable where his eyesight is impaired. In fact most persons under normal conditions would not be able to give testimony from observation which would warrant a determination in accordance therewith. The question arises, "Who constitutes a reliable witness as to the speed of an automobile?" Considering all the rules that have

been promulgated concerning the weighing of testimony or evidence the party controlling the operation of a passing object, such, for example, as the chauffeur or operator of an automobile, should be regarded by the courts as one of the best and most reliable witnesses as to the speed of his machine if he is to be believed so far as truthfulness is concerned.¹ The chauffeur or operator of an automobile, having control of the vehicle, is the custodian, so to speak, of the speed. This is an important consideration. His testimony should be especially valuable if it consists not merely of any expression of his judgment or opinion, but of what he actually did in the way of regulating the speed; since, in the latter case it might be necessary for the trier of facts to find him guilty of perjury if his testimony is not to be credited, and very strong evidence is always required to justify that severity. Where, for example, the chauffeur or operator is able to testify as to what he did in reference to shutting off the power, applying the brakes, or any other matter pertaining to the regulation of the speed, this should furnish, at least, strong corroborative evidence. Because the chauffeur is so closely in touch with the automobile's movements, courts should give great weight to his evidence, if, as said before, it is truthful.

§ 2. Observers may give estimates.

Those who observe a passing object or automobile may testify to their estimates of its apparent speed without qualifying as experts, although their testimony may not be of much weight as compared with

1. See Bowes v. Hopkins, 84 Fed. Rep. 767.

the testimony of those who have been accustomed to make and verify estimates of the speed of moving objects.² Thus it has been held that an observer may testify as to his estimate of the rate of speed of a dummy engine,³ an electric car,⁴ and a carriage which of course specifically covers the automobile.⁵ In the case of Detroit, etc., R. Co. v. Van Steinburg, 17 Mich. 99, 104, it is said: "Any intelligent man, who has been accustomed to observe moving objects, would be able to express an opinion of some value upon it the first time he ever saw a train in motion. The opinion might not be so accurate and reliable as that of one who had been accustomed to observe, with time-piece in hand, the motion of an object of such size and momentum; but this would only go to the weight of the testimony and not to its admissibility." It may be testified that the automobile was going at a certain estimate of speed as compared to other modes of motion;⁶ thus a witness who was an observer may be permitted to testify that the machine was moving at a snail's pace, or no faster than a man walks, or

2. Kansas, etc., R. R. Co. v. Crocker, 95 Ala. 412, 11 So. Rep. 262; Louisville, etc., R. Co. v. Jones, 108 Ind. 551, 9 N. E. Rep. 476; Detroit, etc., R. Co. v. Steinburg, 17 Mich. 99.

3. Highland Avenue, etc., R. Co. v. Sampson, 112 Ala. 425, 20 So. Rep. 566.

4. Eclaipton, etc., R. Co. v. Hunter, 6 App. Cas. (D. C.) 287; Potter v. O'Donnell, 199 Ill. 119, 64 N. E. Rep. 1026; Mertz v. Detroit Electric R. Co., 125 Mich. 11, 83 N. W. Rep. 1036; Mathieson v. Omaha St. R. Co., (Neb. 1902) 92 N. W. Rep. 639; Fisher v. Union R. Co., 86 N. Y. App. Div. 365, 83 N. Y. Supp. 694; Toledo Electric St. R. Co. v. Westenhuber, 22 Ohio Cir. Ct. Rep. 67, 12 Ohio Cir. Dec. 22; Sears v. Seattle Consol. St. R. Co., 6 Wash. 227, 33 Pac. Rep. 389; Robinson v. Louisville R. Co., 112 Fed. Rep. 484, 5 C. C. A. 357.

5. Brown v. Swanton, 69 Vt. 53, 37 Atl. Rep. 280.

6. Kansas City, etc., R. Co. v. Crocker, 95 Ala. 412, 11 So. Rep. 262.

faster than a man could run.⁷ Testimony that the speed was dangerous,⁸ "very fast,"⁹ "fast,"¹⁰ "high,"¹¹ "reckless,"¹² and "unusual,"¹³ is admissible. Ignorance of the witness as to the number of feet or rods in a mile will not incapacitate his testimony. Thus the testimony of a witness who estimates the speed of an automobile at a certain number of miles per hour will not be struck out because, on cross-examination, he confesses that he does not know how many feet or rods there are in a mile.¹⁴

§ 3. Qualifications of observers.

It has been held, and it is probably the correct view, that an observer of a passing object in order to testify as to its speed must qualify to the extent of showing a measure of experience and observation which will make his opinion fairly reliable. As said before, the evidence of some parties, it would seem, could not be admissible on the speed of an automobile. Clearly one not in possession of the necessary faculties could not testify.¹⁵ It has been laid down that observation and knowledge of time and distance are all that are

7. Kansas City, etc., R. Co. v. Crocker, 95 Ala. 412, 11 So. Rep. 262.

8. Lockhart v. Litchtenthaler, 46 Pa. St. 151. But see Alabama Great Southern R. Co. v. Hall, 105 Ala. 599, 17 So. Rep. 176.

9. Johnson v. Oakland, etc., Electric R. Co., 127 Cal. 608, 60 Pac. Rep. 170.

10. Illinois Cent. R. Co. v. Ashline, 171 Ill. 313, 49 N. E. Rep. 521.

11. Black v. Burlington, etc., R. Co., 38 Iowa 515.

12. Galveston, etc., R. Co. v. Wesch, (Tex. Civ. App. 1893) 21 S. W. Rep. 62.

13. Johnsen v. Oakland, etc., Electric R. Co., 127 Cal. 608, 60 Pac. Rep. 170.

14. Ward v. Chicago, etc., R. Co., 85 Wis. 601, 55 N. W. Rep. 771.

15. Grand Rapids, etc., R. R. Co. v. Huntley, 38 Mich. 537.

necessary to an inference.¹⁶ As additional requirements sound mind and judgment have been suggested.¹⁷ Of course one who has timed automobiles is a competent witness.¹⁸

§ 4. Weight of evidence.

The testimony of an observer of a passing automobile that the machine was running "fast" or "slow" cannot, it is said, be excluded merely because of its indefiniteness.¹⁹ On the other hand, it has been declared that such testimony "is altogether too uncertain for judicial action, and most especially so when there was no collision."²⁰ It was observed by Chief Justice Campbell in Grand Rapids, etc., R. R. Co. v. Huntley, 38 Mich. 540, that "opinions on relative speed without some standard of rapidity are of no value by themselves."

§ 5. Incorrect estimates.

Where an estimate is made by a witness as to the speed of a passing automobile, the facts should be stated upon which the estimate is made,²¹ and in order to give his testimony any value it should be shown that the witness had adequate facilities for observing the automobile's movement.²² Thus it has been held that passengers riding on a train are not competent to estimate from observation the rate of speed at

16. Chicago, etc., R. Co. v. Gunderson, 174 Ill. 495, 51 N. E. Rep. 708.

17. Chicago, etc., R. Co. v. Clark, 26 Neb. 645, 42 N. W. Rep. 703.

18. Thomas v. Chieago, etc., R. Co., 86 Mich. 496, 49 N. W. Rep. 547.

19. Illinois Cent. R. R. Co. v. Ashline, 171 Ill. 313, 49 N. E. Rep. 521.

20. Yuigst v. Lebanon, etc., R. R. Co., 167 Pa. St. 438, 31 Atl. Rep. 687, *per* Green, J.

21. Union Pac. R. Co. v. Ruyicka, 65 Neb. 621, 91 N. W. Rep. 543.

22. Muth v. St. Louis, etc., R. Co., 87 Mo. App. 422.

which the train traveled.²³ But such evidence has been admitted.²⁴ It should also be shown that the facilities for observing the speed were improved by the witness.²⁵

§ 6. Imagination.

The imagination is likely to deceive a party as to the speed of an automobile. For example, a pedestrian crossing a street would be quite likely to erroneously estimate the speed of an approaching automobile, and if run down by it, he would easily imagine that its speed was suddenly increased, or that it had been in no degree slackened.²⁶

§ 7. Line of vision.

The line of vision is a matter of great importance in determining the speed of a passing object. It would be impossible for an observer directly facing an automobile, approaching him in a straight course, to estimate its speed with a degree of accuracy anywhere near the precision he could attain if his line of vision was transverse to the direction in which the machine was moving. So, also, it would be almost impossible to give a correct estimate of the speed where the auto-

23. Grand Rapids, etc., R. Co. v. Huntley, 38 Mich. 537, 31 Am. Rep. 321.

24. Johnson v. Oakland, etc., Electric R. Co., 127 Cal. 608, 60 Pac. Rep. 170; Galveston, etc., R. Co. v. Weseh, (Tex. Civ. App. 1893) 21 S. W. Rep. 62.

25. Mathieson v. Omaha St. R. Co., 3 Neb. (Unoff.) 743, 92 N. W. Rep. 639.

26. See remarks of Collins, J., in an analogous case, Schmidt v. New Jersey Street R. R. Co., 49 Atl. Rep. 438, and Dean, J., in Gangawer v. Phila., etc., R. Co., 168 Pa. St. 265, 32 Atl. Rep. 21.

mobile is traveling in a direct line away from the observer.²⁷

§ 8. Time consumed.

The duration of time is a matter of fact which concededly a witness may state in the form of an estimate, but when a witness gives his estimate of the time consumed by the automobile in passing from one point to another, and the distance between the points is ascertained by measurement, the testimony is not of much weight. No experienced judge leans upon a witness' estimate of a short period of time further than to believe that it was a brief period. Cases on this point are numerous and emphatic. "Nothing is more uncertain or unreliable than the testimony of witnesses as to the time occupied in a transaction" said Vice-Chancellor Green in *McGrail v. McGrail*, 48 N. J. Eq. 532, 22 Atl. Rep. 582. "There is no matter upon which witnesses are so likely to be mistaken as a question of time," said Bruce, J., in *The Wega*, Prob. Div. [1895] 156, 159. "People differ widely as to the estimation of passing time — particularly is this so in naming minutes or seconds that may be thought to expire on any particular occasion," said Gill, J., in *Culberson v. Chicago, etc., R. Co.*, 50 Mo. App. 556, 562.

§ 9. Noise.

The noise produced by an automobile would be apt to deceive a party in his estimation of the automobile's speed, since at very slow speeds, and even where there is no motion of the vehicle at all, there are times when

27. See *Huntress v. Boston, etc., R. R. Co.*, 66 N. H. 185, 34 Atl. Rep. 154; *Colo., etc., R. R. Co. v. Robbins*, 71 Pac. Rep. 871; *Munster v. Chicago, etc., R. Co.*, 61 Wis. 325, 50 Am. Rep. 141.

the motor runs very fast. This naturally would lead one to believe, if depending upon sound alone, that the automobile was actually traveling at a rate of speed which the motor could produce with the same noise. The unreliability of testimony founded in any way upon the noise produced needs no further argument to stamp such evidence as almost worthless. As bearing on this subject it has been held that a person was not competent to express an opinion as to the speed of a car, founded upon the noise when at a distance of more than one hundred and twenty feet, on a mere showing that the witness had for twenty years the common experience of a city man traveling on street cars.²⁸ Of course speed may be judged from hearing rather than from sight.²⁹

§ 10. Facts incompatible with estimates.

Where the facts show a conflict between an observer's estimate of the automobile's speed, the facts control. Estimates of speed, as in cases of all other kinds of "opinion" evidence, must give way to testimony of cold matters of fact and legitimate inferences therefrom.³⁰ Take an example where testimony to a high degree of speed is incompatible with the proved facts that the machine was stopped within a few feet, or a short distance, the latter evidence must prevail.³¹

28. Campbell v. St. Louis, etc., R. Co., 175 Mo. 161, 75 S. W. Rep. 86. See also Robinson v. Louisville R. Co., 112 Fed. Rep. 484, 50 C. C. A. 357.

29. Van Horn v. Burlington, etc., R. Co., 59 Iowa 33, 12 N. W. Rep. 752; Missouri Pac. R. Co. v. Hilderbrand, 52 Kan. 284, 34 Pac. 738.

30. Muster v. Chicago, etc., R. Co., 61 Wis. 325, 50 Am. Rep. 141; Retterstrom v. Brainsford, etc., R. Co., 94 N. W. Rep. 882.

31. Graham v. Consol. T. Co., 54 N. J. Law 10, 44 Atl. Rep. 964; Volger v. Central, etc., R. Co., 83 N. Y. App. Div. 101, 82 N. Y. Supp. 485.

Undoubtedly the converse proposition is also true that an estimate of the low rate of speed must be overruled by indubitable proof of facts reconcilable only with high speed, such as the force of the impact of a machine (*Brenan v. Metropolitan St. R. Co.*, 60 N. Y. App. Div. 264, 69 N. Y. Supp. 1025), or the considerable distance traversed by the machine despite efforts to bring it to a standstill.³²

§ 11. Distance.

An estimate of speed necessarily involves an estimate of distance where it is sought to determine the mathematical rate of speed. However, estimates of distance are perhaps even less trustworthy, in point of absolute accuracy, than estimates of speed. In *Zolpher v. Camden, etc., R. Co.*, 55 Atl. Rep. 249, estimates of various witnesses ranged all the way from three feet to forty feet, and in *Cannon v. Pittsburg, etc., B. T. Co.*, 195 Pa. St. 159, 44 Atl. Rep. 1089, the extreme estimates were sixty feet and one hundred and forty feet.

§ 12. Speed at one place inadmissible as to speed at another.

Is testimony to speed of a machine at one place admissible on the question of speed in another place on the same road? It is safe to say that ordinarily it would not be relevant. If, however, it were conceded — by the chauffeur, for instance — that the speed had not been accelerated or diminished, as the case may be, between the two points, such testimony would be clearly admissible.³³

32. *Railroad Co. v. Bordenchecker*, 70 N. E. Rep. 995; *Zolpher v. Camden, etc., R. Co.*, 55 Atl. Rep. 249; *Hoppe v. Chicago, etc., R. Co.*, 61 Wis. 357.

33. *Louisville, etc., R. Co. v. Jones*, 108 Ind. 551, 9 N. E. Rep. 476.

§ 13. Effect of bias.

Bias of witnesses is one of the most pestiferous factors with which courts have to deal in weighing testimony. Where it is sought to prove that an automobile was running at an unreasonable speed, or at a speed prohibited by statute or ordinance, it is highly probable that witnesses who voluntarily testify against the motorist will be biased, considering the present state of public opinion in some localities. Courts frequently take judicial notice of prejudice that usually exists against corporations, and it may be presumed that they would take like cognizance of the animosity against automobilists. At any rate the partisanship of witnesses testifying to excessive rates of speed is likely to crop out in their testimony so as to justify the trier of fact in putting them in the category of biased witnesses. Now, what is the rule in weighing the testimony of such witnesses? So far as it pertains to the present discussion the rule is this: In matters of opinion the witness is to be distrusted.³⁴ The term opinion includes estimates of time, distance, speed, etc. In practice judges should give very little weight to the opinions of biased witnesses; for besides the unconscious operation of bias in warping the judgment of an honest witness, an effect universally conceded, bias may readily have a more sinister influence in view of the fact that it is virtually impossible to obtain a conviction for perjury in falsely testifying to an opinion. Bias of a witness, which we have already noticed, when he speaks of minutes or seconds not measured by a timepiece, is always certain to per-

34. Lockwood v. Lockwood, 2 Curt. Ed. 281, 289, *per* Dr. Lushington.

turb his judgment. *Ridge v. Penn. R. R. Co.*, 58 N. J. Eq. 172, 43 Atl. Rep. 275, furnishes an excellent illustration. There an injunction was sought against a railroad company to restrain it from maintaining a nuisance at a city crossing by suffering its freight trains to block the highway for an unreasonable time. Many witnesses on each side testified to the length of time which they were compelled to wait on various occasions. One witness swore by his watch. That was very good evidence. Vice-Chancellor Reed intimated that other witnesses in the service of the company or related to some one in such service would be disposed to overlook any discomfort from obstruction by trains and would underestimate the delay. On the other side, angry pedestrians who were in a hurry to get to their business or other destination would exaggerate the time of waiting.

§ 14. Burden of proof.

But, it may be replied, if witnesses are biased in favor of the prosecution, it is also certain that the chauffeur or occupants of the automobile are decidedly interested in their own behalf, and that their testimony is equally unreliable — that all are “in the same boat,” as the phrase goes. This may be conceded. The burden of proof, however, is on the prosecution, and if it can do no better than to leave the evidence in equipoise — if it cannot produce a preponderance of credible evidence, or proof beyond a reasonable doubt, as is required for a conviction in criminal cases — then, according to the familiar rule, the prosecution fails to establish its contention.

§ 15. Summary and conclusion.

The conclusion is that evidence of speed consisting of mere opinions of witnesses is very unsatisfactory where accurate knowledge is essential, especially if the witnesses are biased; that it is inferior in weight to inferences derived from significant and well-established facts; and that the best evidence is the testimony of a witness who noted the time by a speed indicator, or by a stop watch on a measured course. Where the speed indicator of an automobile and the stop watch of an officer conflict as to the rate of speed, assuming that both instruments are accurate, it would seem that the speed indicator should control the determination of the speed, since it is purely mechanical and involves no judgment, while the stop watch is not automatic so to speak, but requires action on the part of the officer and some judgment in using the watch.³⁵

35. A statement cannot be given in evidence where it is not based upon adequate observation and capacity for co-ordination, but is arrived at merely as the result of a mathematical calculation made after the event. Mathieson v. Omaha St. R. Co., (Neb. 1903) 97 N. W. Rep. 243.

CHAPTER VIII.

THE GARAGE AND GARAGE KEEPER.

SEC. 1. Garage defined.

2. Garage not a nuisance.
3. Status of garage keeper.
4. Garage keeper's rights.
5. Liabilities of garage keeper.
6. Keeping and selling gasoline.

§ 1. Garage defined.

The garage has been defined as the modern substitute for the ancient livery stable.¹

§ 2. Garage not a nuisance.

It has been held that a garage does not constitute a public nuisance. An automobile station or garage constructed on land abutting on a boulevard does not constitute a common-law nuisance. Mr. Justice Woodward, of the Appellate Division of the Supreme Court of *New York*, declared that the business of a garage keeper "appears perfectly lawful and legitimate."²

§ 3. Status of garage keeper.

One who receives the property of another for the purpose of taking care of it is, in law, termed a "bailee." The keeper of a garage is a bailee for hire. With him is deposited personal property — the

1. Smith v. O'Brien, 46 N. Y. Misc. Rep. 325, 94 N. Y. Supp. 673.

2. Stein v. Lyon, 91 N. Y. App. Div. 593.

automobile — for safe keeping, for which he is paid a consideration. The legal relation established between the owner of the automobile and the keeper is that of bailor and bailee. The relation is a well-established one in the law, and from it flow many important rights and responsibilities.

§ 4. Garage keeper's rights.

Of the garage keeper's rights there have been some interesting questions raised in recent litigation. Of course, he is entitled to receive from the owner of the automobile the agreed price for storage. But has the keeper any way of enforcing his right to compensation other than a right of action which may be had for any breach of contract, such, for example, as retaining possession of the automobile under the claim of a lien? This is the question which was raised in a recent case in *New York* (Smith v. O'Brien, 46 N. Y. Misc. Rep. 325, 94 N. Y. Supp. 673), wherein it was decided that where an automobile is kept at a garage, but which is used by the owner so that the garage keeper's possession is not continuous, but is broken by the owner using the automobile at pleasure, the keeper has no lien for his charges, and cannot retain the possession of the machine to enforce payment. Under similar facts, this decision would probably be followed in other states where the common-law doctrines are administered, since no lien can be had by any bailee where the bailee does not have and control the possession of the property delivered to his care. A surrender of possession surrenders the right to a lien. The credit, in such a case, is supposed to have been furnished on the bailor's personal responsibility only, and no recourse against the property bailed is sup-

posed to have been contemplated. Where, however, continued unbroken possession is had by the garage keeper he is, like the warehouseman and wharfinger, under the common law and the various statutory provisions of the states, entitled to retain the property for his charges. Independently of a statutory provision giving a lien, if the garage keeper wishes to secure a lien where the machine is used by the owner, he should stipulate for the right to retain possession of the automobile in case of nonpayment of charges.

§ 5. Liabilities of garage keeper.

From the definition of a garage one would naturally suppose that the garage keeper's status would be similar to that of the keeper of a livery stable, and that the rights and liabilities of both these parties would, in many respects, be similar. Such a supposition is, independently of statute, substantially correct. The liabilities of the garage keeper depend upon his care of the automobile while it is in his custody. He is bound to exercise reasonable care and prudence in keeping the machine in a safe manner, and must furnish reasonably safe accommodations. Any damage caused to the machine while in his custody, resulting from the lack of reasonable diligence and care, renders the garage keeper liable for whatever injuries the machine may have sustained. The failure to exercise due care constitutes a breach of the contract of bailment.

§ 6. Keeping and selling gasolene.

The commissioners of the *District of Columbia* had the power, under the authority of the Act of Congress of January 26, 1887, to make and enforce a regulation

requiring a license for the storage of gasoline in the city of Washington. That portion of section 3 of the regulations promulgated by the commissioners of the District of Columbia, under the authority of the Act of Congress of January 26, 1887, requiring every person storing gasoline in the city of Washington to take out a license, which requires every such application to be referred to the inspectors of buildings and the chief engineer of the fire department for examination of the building described in the application, who shall transmit the application with the recommendation to the assessor of the district, who shall, if such officials recommend, issue a license unless otherwise ordered by the commissioners, is not void as an unauthorized delegation of the powers conferred upon the commissioners; it not being a delegation of their authority to commit to the expert agents named, a duty to ascertain and report information important to the exercise of their power to issue the license, the propriety of which issue must depend upon the character and surroundings of the building occupied. The word "recommendation" in the regulation is used in the sense of report.³ Section 3 of article 3 of the police regulations of the District of Columbia prohibiting the storage or keeping for sale of inflammable oils, etc., without license, and prescribing the conditions under which such license shall be granted, was held to be valid in Cahill v. District of Columbia, 23 Wash. L. Rep. 759, wherein it was also held that the evidence in a prosecution in the police court upon an information charging the plaintiffs in error, proprietors of an

3. District of Columbia v. Weston, 23 App. Div. (D. C.) 363, distinguishing United States v. Ross, 5 App. Cas. (D. C.) 241.

automobile garage, with having in store and keeping for sale gasoline, without having first obtained a license, was sufficient to support a finding that defendants were guilty, and judgment was affirmed. An information in the police court against the proprietor of an automobile storage and repair house, charging him with storage and keeping gasoline for sale without a license, is not supported by evidence which shows that the defendant had a license to conduct such a business but had been refused a special license for the storage and sale of gasoline on the premises; that he did not have a permit to store gasoline in an underground tank half a block from his establishment; that from time to time each day as needed he procured gasoline from such tank for the supply of automobiles in his establishment, which remained therein from ten minutes to an hour awaiting the arrival of their owners, who had ordered them made ready for use; there being nothing in such evidence from which the sale of gasoline could be inferred and nothing to show that it was stored upon the premises within the meaning of the regulation.⁴

4. Weston v. District of Columbia, 23 App. Cas. (D. C.) 367.

CHAPTER IX.

THE HIRE OF AUTOMOBILES.

- SEC.** 1. General considerations.
2. Ordinary care of hirer.
3. Liability for servant's acts.
4. Unlawful acts committed by third parties.
5. Unlawful sale by hirer.
6. Duties and rights of owner.
7. Keeping in repair.
8. Rights of hirer.
9. Duties of hirer.
10. Termination of hiring.
11. Surrender and return of automobile.
12. Compensation for hire.

§ 1. General considerations.

The hiring of an automobile from the owner creates in law a form of bailment known as *locatio rei*. Where the owner of personal property lets it to another party, who is to pay for the use of it, the contract is for their mutual benefit, which fact is important in determining the rights and liabilities of the parties.¹

1. Parsons on Contracts, vol. 2. (9th ed.) 134.

According to the foreign and Roman law, the hirer, in virtue of the contract, impliedly engages to allow to the hirer the full use and enjoyment of the thing hired, and to fulfil all his own engagements and trusts in respect to it, according to the original intention of the parties: "*Prastræ, frui licere, uti licere.*" This implies an obligation to deliver the thing to the hirer; to refrain from every obstruction to the use of it by the hirer during the period of the bailment; to do no act which shall deprive the hirer of the thing; to warrant the title and right of possession to the hirer, in order to enable him to use the thing, or to perform the service; to keep the thing in suitable order and repair for the pur-

§ 2. Ordinary care of hirer.

A party who hires an automobile from another is bound only to take ordinary care of the machine and is not responsible for damage inflicted to the automobile if ordinary prudence has been exercised while the machine was in his custody as a bailee.²

The degree of care, of course, which the hirer of an automobile should exercise would depend upon all the facts and circumstances of the case, but still it is only ordinary care as the law defines this term which is necessary to be exercised. The hirer is bound to render such care in the case as the owner has a right to expect that a man of ordinary capacity and caution would take of the automobile, if it were his own under the same circumstances.³

§ 3. Liability for servant's acts.

Where an automobile is hired, the bailee, the hirer, is responsible for the negligence of his servant the chauffeur, provided that the negligence took place when the chauffeur was in the discharge of his duty, or obeying the commands or instructions of the master, the owner, express or implied.⁴

When not acting within the authority of the employment, the owner would not be responsible for an injury to the automobile committed by the chauffeur as a

poses of the bailment; and, finally, to warrant the thing free from any fault, inconsistent with the proper use or enjoyment of it. These are the main obligations deduced by Pothier from the nature of contract; and they seem generally founded in unexceptionable reasoning. Story on Bailments, p. 317.

2. Parsons on Contracts, vol. II., (9th ed.) 134, 135.

3. Parsons on Contracts, vol. II., (9th ed.) 135.

4. Parsons on Contracts, vol. II., (9th ed.) 136.

result of his own willful malice, in which the master took no part.⁵

§ 4. Unlawful acts committed by third parties.

If an automobile is lost through theft, or is injured as a result of violence, the hirer is only answerable when imprudence or negligence caused or facilitated the injurious act.⁶ However, where an automobile which is hired out is lost or injured, the hirer is bound to account for such loss or injury. When this is done, the proof of negligence or want of due care is thrown upon the bailor, and the hirer is not bound to prove affirmatively that he used reasonable care.⁷

§ 5. Unlawful sale by hirer.

If the hirer of an automobile should sell it without authority to a third party the owner or bailor may institute an action of trover against even a *bona fide* purchaser, one who purchases the machine innocently believing that the hirer had the title and power to sell.⁸

§ 6. Duties and rights of owner.

The owner of the automobile, or the party letting it out, is obliged to deliver the automobile hired in a condition to be used as contemplated by the parties; nor may the owner interfere with the hirer's use of the automobile while the hirer's interest is in it, or right in it continues. Even if the hirer abuses the automobile, although the owner may then, as it is said, repossess himself of his property, if he can do so

5. Parsons on Contracts, vol. II., (9th ed.) 137.

6. Parsons on Contracts, vol. II., (9th ed.) 138.

7. Parsons on Contracts, vol. II., (9th ed.) 138.

8. Parsons on Contracts, vol. II., (9th ed.) 138.

peaceably, he may not do so forcible, but must bring an action. If such misuse of the automobile terminates the original contract of bailment the owner may demand the automobile, and, on refusal, bring trover; or, in some cases, he may bring the action of trover without demand.⁹

§ 7. Keeping in repair.

The owner of an automobile who lets it out for a term should keep the vehicle in good order, that is, in proper condition for use; and if expenses are incurred by the hirer for this purpose the owner must repay them. There is some uncertainty on this point, however. The true principle would seem to be that the owner is not bound (unless by special agreement, express or implied by the particular circumstances) to make such repairs as are made necessary by the natural wear and tear of the automobile in using, or by such accidents as are to be expected, but is bound to provide that the automobile be in good condition to last during the time for which it is hired, if that can be done by reasonable care, and afterwards is liable only for such repairs as are made necessary by unexpected causes.¹⁰

§ 8. Rights of hirer.

By the contract of hire, the hirer of the automobile acquires a qualified property in it which he may maintain against all persons except the owner, and against him as far as the terms and conditions of the contract, express or implied, may warrant. During the time

9. Parsons on Contracts, vol. II., (9th ed.) 139, 140.

10. Parsons on Contracts, vol. II., (9th ed.) 140, 141.

for which the hirer is entitled to the use of the automobile, the owner is not only bound not to disturb him in that use, but if the hirer returns it to the owner for a temporary purpose, he is bound to return it to the hirer.¹¹

§ 9. Duties of hirer.

There is an implied obligation on the part of the hirer to use the automobile only for the purpose and in the manner for which it was hired. If the automobile is used in a different way, or for a longer time, the hirer may be responsible for a loss thence accruing, although by inevitable casualty. In general the hirer must not abuse the automobile, but where during misuser the machine is lost, it seems that trover would not lie, unless the owner can show that the loss was caused by misuser.¹²

§ 10. Termination of hiring.

The contract for the hire of an automobile may be terminated by the expiration of the time for which the vehicle was hired, or by the act of either party within a reasonable time, if no time is fixed by the contract, as by the agreement of both parties at any time; or by operation of law if, for instance, the hirer becomes the owner of the automobile, or by the destruction of the automobile. If it is destroyed without the fault of either party, before any use of it by the hirer, he has nothing to pay; if after some use, it may be doubted how far the aversion of the law of apportionment would prevent the owner from recovering *pro*

11. Parsons on Contracts, vol. II., (9th ed.) 142.

12. Parsons on Contracts, vol. II., (9th ed.) 141, 142.

tanto; probably, however, where the nature of the case admitted a distinct and just apportionment, it would be applied. Either party being in fault would, of course, be amenable to the other. The contract might wisely provide for such a contingency as the destruction of the automobile in such manner.¹³

§ 11. Surrender and return of automobile.

The hirer of an automobile must surrender the machine at the appointed time, and if no time is specified in the contract, then whenever called upon after a reasonable time, and what constitutes a reasonable time is to be determined by all the facts and circumstances of each particular case.¹⁴

§ 12. Compensation or price.

The party letting an automobile for hire acquires an absolute right to, and property in, the compensation due for the vehicle hired; and the compensation or price, when not fixed by the parties, must be a reasonable price, to be determined by the circumstances. Of course, where a definite sum is stipulated, the sum agreed upon controls.¹⁵

13. Parsons on Contracts, vol. II., (9th ed.) 143.

14. Parsons on Contracts, vol. II., (9th ed.) 142.

15. Parsons on Contracts, vol. II., (9th ed.) 143.

CHAPTER X.

THE CHAUFFEUR.

- SEC. 1. Chauffeur defined.
2. Origin of term.
3. Chauffeur's status.
4. Liability of master for chauffeur's acts.
5. Chauffeur acting contrary to authority.
6. Duties of chauffeur.
7. Amount and degree of care.
8. Rights of chauffeur.

§ 1. Chauffeur defined.

The term chauffeur means one who manages the running of an automobile.¹ The term in legal significance may be said to mean any person operating a motor vehicle, as a mechanic, employee, or for hire. This is the definition of the term contained in the *New York Motor Car Act of 1903*, and is substantially the same in some other jurisdictions.

§ 2. Origin of term.

A chauffeur was a member of the bands of outlaws, during the reign of terror in France, who roamed over the northeastern part of the country under the lead of John the Skinner, or Schinderhaunes. They garroted men and women, and roasted their feet to compel them to disclose hidden treasure. In 1803 rigorous measures were taken which resulted in their suppression. With the increasing use of the auto-

1. Web. Int. Diet., Supp., p. 39.

mobile as a means of recreation and transportation, the term chauffeur was applied to the driver who operated the carriage and the mechanic who was carried to look after the machinery and fuel. The origin of this use of the term is found in France, where automobiling first found favor as a sport, the word chauffeur being there employed to designate a fireman or stoker.²

§ 3. Chauffeur's status.

The legal status, duties, and responsibilities of the chauffeur or operator of a motor car are of vital interest, not only to the motorist, but to all. You who employ chauffeurs, by reason of employment, have interest at stake. Those who are employed as chauffeurs have not only serious responsibilities of a personal nature, but are, to a great extent, the guardians of their employer's interests. The chauffeur or operator of an automobile occupies towards his employer and the public a serious position, one which compares favorably in the necessity for prudence, diligence, and intelligence with that of the railroad engineer or master of a ship.

§ 4. Liability of master for chauffeur's acts.

A chauffeur under employment is, in law, a servant, and the relation existing between the employer and employed is that of master and servant. From this relation many rights and liabilities flow. The general rule that the master is liable for the wrongful injurious acts of the servant or employee, committed in the course of his employment, applies in the operation

2. The New International Encyclopedia, vol. IV., p. 427.

of an automobile by one for hire. If a chauffeur negligently, while about his employer's business, runs down a pedestrian, who is in the exercise of due care, the employer is liable in damages and so is the chauffeur. But the relation of master and servant must exist at the time in order to charge the master.³

§ 5. Chauffeur acting contrary to authority.

Where a chauffeur uses his employer's automobile for his own personal pleasure and contrary to authority, a party negligently injured by the car cannot hold the employer liable, since the operator of the vehicle was not, at the time, acting for his employer and within the scope of his employment; however, the chauffeur is liable in damages. Thus, it has been held in *New York* that an absent owner of an automobile was not liable for the negligence of the chauffeur committed at a time when he was not engaged in the owner's business.⁴ But where it was shown that the defendant was the owner of an automobile, and that the operator or chauffeur was in his employment for the purpose of operating the machine, it was held that there was a sufficient *prima facie* showing that the chauffeur at the time of the collision was acting within the scope of his employment.⁵ In *Collard v.*

3. See *Reynolds v. Buck*, (Iowa 1905) 103 N. W. Rep. 946.

It is the rule of the common law that the master is responsible for the acts of the servant whom he selects, and through whom in legal contemplation he acts, provided that the particular act was done by the servant in the carrying out of the duty given to him by his master, and for the purpose of doing what he has been sent out to do. *Fiero on Torts*, p. 86.

4. *Clark v. Buckmobile Co.*, 107 N. Y. App. Div. 120; *Stewart v. Baruch*, 93 N. Y. Supp. 161.

5. *Stewart v. Baruch*, 93 N. Y. Supp. 161.

Beach, 81 N. Y. App. Div. 582, it was held that the court erred in refusing to give the following charge to the jury as requested: "If the jury finds either that the defendant left the automobile in charge of his son to take it home, or in charge of his son and coachman together to take it home, or in charge of the coachman alone, and the coachman neglected his duty in that regard and allowed the son to run the machine, and by the negligence of the son the accident occurred, without contributory negligence on the plaintiff's part, then in either case the defendant is responsible and liable for that negligence and its consequences." Concerning the liability of the owner of an automobile for the acts of one operating the machine an interesting case arose in *Iowa*. In *Reynolds v. Buck*, decided by the Supreme Court of Iowa in June, 1905 (103 N. W. Rep. 946), it appeared that the defendant who dealt in automobiles decorated one for use in a parade, and after the parade directed that the automobile which stood in front of the store be taken inside, and he then left. His son, employed by the defendant as a clerk, and who had been given a holiday that day, coming upon the machine where it stood, invited a lady friend to ride, and while he was driving plaintiff's horse took fright at the machine, whereby plaintiff was injured. It was held that defendant was not liable, even conceding the son's negligence. The court said: "At the time of the accident causing the plaintiff's injuries the defendant was a dealer in agricultural implements, buggies, automobiles, etc., in the city of Davenport, and his son, Emil J. Buck, was in his employ as clerk. There was an automobile parade in the city of Davenport in the afternoon of the day in question, and, on the solicitation of the committee

having the matter in charge, the defendant decorated an electric automobile belonging to him, and the machine, operated by one of his daughters, had a place in the parade. The son, Emil J., who had been employed in his father's establishment for some time, was given a lay-off or holiday for the parade. He spent the forenoon of the day in decorating a steam automobile that he intended to use in the parade, and in the afternoon, during a part of the time that the parade was in progress, he and some of his friends used the steam machine on the streets. They then returned it to the defendant's place of business and left it on the premises; and soon thereafter the son and his companions, young men and women, went to the river. In the meantime the parade was concluded, and the electric machine was returned to the defendant's place of business by the daughter, and left on the street in front of the store. The defendant was present at the time and directed an employee to take it in, and soon thereafter he left the store. A short time after the defendant had left the store the son, Emil J., and a young lady friend returned thereto, and she, desiring to go home from there, accepted his invitation to ride home in the automobile. He took her to her home by the nearest route, and on his way back to his father's store the plaintiff's horse became frightened at the machine, and the accident happened, resulting in the injury complained of. Conceding, for the purpose of this appeal, that the son was negligently operating the machine at the time of the accident, was such negligence chargeable to the defendant under the evidence? We are clearly of the opinion that it was not. The direct evidence all shows that his use of the electric automobile was solely for the pleasure and convenience of

the young lady and himself, and that it was in no way or sense connected with his employment or with the defendant's business. The mere fact that the automobile still wore the decorations, and that it might on account thereof attract attention and incidentally advertise the defendant's business, would not have justified the jury in finding that the son was about his father's business at the time. An inference so far-fetched would not be permitted to control and destroy direct and positive evidence to the contrary (*Meyer v. Houck*, 85 Iowa 319, 52 N. W. Rep. 235). The son had been given a holiday and was master of his own time on that day. This is conclusively shown. The defendant had ordered the machine put away, and did not know that his son wished or intended to use it. It was taken and used for the son's own pleasure, and we think the verdict was properly directed for the defendant."

§ 6. Duties of chauffeur.

The careful and prudent chauffeur constantly should have in mind the legal significance of his acts, especially in reference to their effect on the liability of his employer. There are many specific precautions of which every chauffeur or operator of an automobile should have knowledge in order to keep himself and his employer within the bounds of freedom from legal liability. First, the statutory requirements or precautions of the state wherein the machine is run should be known and obeyed. The provisions in reference to lamps when running at night, the displayment of numbers, the necessity for locking the machine when left temporarily in the street, requirements pertaining to speed, meeting horses, and other mat-

ters should be so familiar that correct action will take place automatically and without taking time for unnecessary thought. The statutory requirements are not all, however, that the prudent automobile operator must understand. The courts have commenced to lay down rules in reference to operating motor vehicles, and these are as binding on the operator as the legislative regulations. Let us see what the courts have said. For example, the *New York* statute provides that a person operating a motor vehicle shall at request or on signal by putting up the hand, from a person riding, leading, or driving a restive horse, bring such motor vehicle immediately to a stop. Similar provisions exist in many of the states which have enacted automobile legislation. It will be noticed that the autoist is required to stop his car *on signal*. There is no necessity, however, for the giving of such a signal as provided by statute. The motorist is obliged to stop even if no signal has been given where his machine is apparently causing danger. The duty to stop in such cases is independent of statute, and it has been expressly so held by the Supreme Court of *Illinois* and other courts.⁶ Knowledge of this rule and other rules which have been promulgated by the courts is of importance.

§ 7. Amount and degree of care.

The amount and degree of care which the operator of an automobile should exercise depends upon the circumstances of each particular case, including the condition of the road, the existence or nonexistence of

6. *Christie v. Elliott*, 216 Ill. 31, 1 L. R. A. (N. S.) 124, 74 N. E. Rep. 1035.

traffic, and other facts. Reasonable care must be exercised to avoid accidents. More than ordinary care must be exercised when children are met in the street.⁷ The law, however, is not all against the automobilist and in favor of other parties. The motorist also has rights which must be respected. If he has complied with the law his rights on the road are equal to the rights of other parties. He has the right to assume, and to act upon the assumption, that every person whom he meets will also exercise the ordinary care and caution according to the circumstances, and will not negligently or recklessly expose himself to danger, but rather make increased exertion to avoid collision.⁸

No matter how great the rate of speed may be which the law permits, the operator still remains bound to anticipate that he may meet persons on a public street, and he must keep his machine under such control as will enable him to avoid a collision with another person also using care and caution. If necessary he must slow down and even stop. No blowing of a horn, or of a whistle, nor the ringing of a bell or gong, without an attempt to slacken his speed, is sufficient, if the circumstances at a given point demand that the speed should be slackened or the machine stopped, and such a course is practicable, or, in the exercise of ordinary care and caution proportionate to the circumstances, should have been practicable. The true test is, that he must use all the care and caution which a careful and prudent driver would have exercised under the same circumstances. The operator of an automobile is not exempt from liability for a collision in a public

7. *Thies v. Thomas*, 77 N. Y. Supp. 276.

8. *Thies v. Thomas*, 77 N. Y. Supp. 276.

street by simply showing that at the time of the accident he did not run at a rate of speed exceeding the limit allowed by law.⁹

In turning corners a person, whether an adult or an infant, has the right to assume that the operator of an automobile will exercise care and respect the rights of pedestrians. Due care in operation requires, under such circumstances, that the vehicle should be slowed down and operated with diligence. At such a place the operator is bound to take notice that people might be crossing, or entering thereon; and this obligation on the part of the operator of the machine is one which a pedestrian has a right to assume will be observed.¹⁰

When the automobile is temporarily left unattended in the street, certain precautions should be taken by the chauffeur to prevent the machine from being started by intermeddlers, but it is not the operator's duty, as correctly stated in the opinion of a *New York* case, to chain the machine to a post or to fasten it so that it will be absolutely impossible for a third party to start it. Only reasonable care is required to be exercised in such a case. Of course, where a statute requires a certain manner of locking the machine, the requirement must be complied with.¹¹

§ 8. Rights of chauffeur.

Ordinarily where the chauffeur's contract for service is for a certain time, if the employer discharges

9. *Thies v. Thomas*, 77 N. Y. Supp. 276.

10. *Buscher v. New York Transportation Co.*, 94 N. Y. Supp. 796.

11. *Berman v. Schultz*, 40 Misc. (N. Y.) 212, 84 N. Y. Supp. 292, holding that where a chauffeur left an automobile in the street temporarily, after turning off the power and applying the brake, and the automobile was started by the willful act of boys, resulting in a collision with a wagon, the act of the boys was the proximate cause of the injury, and there was no liability on the part of the owner.

the chauffeur before the expiration of the term of employment, the employer is still liable for the chauffeur's pay unless the latter has given cause by showing himself unable or unwilling to do what he has undertaken to do.¹² But if the contract is for a time certain, and the chauffeur leaves without cause before the time expires, it is held that a servant in such a case has no claim for services already rendered. However, if prevented from performing his duties by sickness, or similar inability, the chauffeur may recover pay for what he has done on a *quantum meruit*.¹³ It must not be forgotten that the contract between the chauffeur and his employer is mutual. The employer has a claim against the chauffeur for neglect of duty, and the employer does not waive this claim by paying the chauffeur and continuing him in his service.¹⁴

12. Parsons on Contracts, vol. II., (9th ed.) 34.

13. Parsons on Contracts, vol. II., (9th ed.) 36-40.

14. Parsons on Contracts, vol. II., (9th ed.) 48.

CHAPTER XI.

THE MANUFACTURER OF AUTOMOBILES.

- SEC. 1.** General considerations.
2. The manufacturer's status.
3. Quality of cars already turned out.
4. American tendencies.
5. Duties and responsibilities of manufacturer.

§ 1. General considerations.

Among the many reported judicial decisions concerning motoring and the motor car, no reported case in reference to the manufacturer's part played in automobiling has as yet appeared, though circumstances have happened pointing in a direction to what reasonably might be expected from litigation in the near future. No person is more intimately connected with motoring, and of so vital importance in qualifications, as the manufacturer. The position of the chauffeur, in regard to his prudence, intelligence, and carefulness, is somewhat insignificant compared with the great responsibility resting upon the shoulders of the automobile constructor, and yet the latter has not been deemed an individual of sufficient police regulatory account to be considered a favorable subject of legislative control in regard to the safe manufacture of safe machines. The thousands of automobiles which are being turned out every year, and the hundreds of new incorporated companies which are being formed for the purpose of manufacturing motor vehi-

cles, necessarily will be felt in occupying the attention of the courts. We have only to wait for the decisions to come — they are bound to arrive.

§ 2. The manufacturer's status.

The manufacturer of automobiles occupies a position of serious responsibility, not only to his customer and the users of his car but to the public. He is providing a powerful carrying machine to run on the public streets and highways in the midst of traffic. This he knows and fully realizes. His position is one of trust and confidence. On him rely his customers and others for the safe construction of machines in workmanship and material.

§ 3. Quality of cars already turned out.

The cars turned out thus far have proven no defects in construction and no use of inferior materials so far as to render them dangerous for their contemplated use. The manufacturers have established a feeling of safety and reliance in the people. But have we the assurance of a continuation of this feeling of confidence?

§ 4. American tendencies.

From our American experience regrettably we have to say that our industry is apt to be contaminated with adulteration and substitution. We know that the cost of production is sought to be reduced by using cheaper labor and inferior materials. This reasonably may be expected in the manufacture of automobiles on the part of some producers if precautions are not taken. There are, and will be, of course, many automobile manufacturers whose products always will stand for

the best and safest material and workmanship. The very cheap machine and its manufacturer, however, will need our serious consideration.

§ 5. Duties and responsibilities of manufacturer.

Speaking generally, what are the duties and responsibilities of the automobile manufacturer in putting an automobile on the market? It must be conceded that a safely constructed motor vehicle is not of itself a dangerous machine, and only becomes a source of danger to the occupants through faulty construction or improvident driving. We have simply the case of a manufacturer placing on the market for sale a vehicle of somewhat complicated machinery of high speed power and used for the transportation of persons. What is the law governing such a manufacturer? Since no cases concerning the automobile and dealing with the subject under discussion have arisen for determination by the courts, we are compelled to reason from a consideration of cases decided in reference to the manufacture and sale of machines and articles generally other than vehicles. Without reviewing the decisions concerning the manufacturer's liability for the sale of defective machinery, it would be impossible to say more than that the manufacturer of an automobile impliedly warrants to purchasers that the vehicle is reasonably fit and safe for its contemplated use. Any negligence on the part of the manufacturer or his servants in constructing the automobile, or in the use of improper materials, subjects the manufacturer to liability in damages for an injury received by the party purchasing the machine who is injured while exercising due care. There are many other questions which suggest themselves from a considera-

tion of the automobile manufacturer's position, questions of importance and some little difficulty, but for the present the suggestion that there is serious responsibility resting upon the manufacturer probably is sufficient. Sir Frederick Pollock says that where the builder of a carriage, or the maker of a machine, has delivered it out of his own possession and control to a purchaser, he is under no duty to persons using it as to its safe condition, unless the thing was in itself of a noxious or dangerous kind, or, it seems, unless he had actual knowledge of its being in such a state as would amount to a concealed danger to persons using it in an ordinary manner and with ordinary care.¹

1. See Pollock on Torts, p. 632. See also Winterbottom v. Wright, 10 M. & W. 109; Collis v. Sheldon, (1868) L. R. 3 C. P. 495, 37 N. J. C. P. 233; Losee v. Clute, 51 N. Y. 494.

CHAPTER XII.

SAFETY OF ROADS FOR AUTOMOBILES.

- SEC. I. Right to have safe roads.
2. Condition of roads.
3. Liability for defective highways.

§ 1. Right to have safe roads.

Equal rights of the motor car on the roads having been established, it naturally follows that the automobile is entitled to all the rights pertaining to the suitable condition of the public thoroughfares, including the right to have safe roads, not only for the general use of the highway, but for use of the pneumatic rubber-tired vehicle. The importance of proper road conditions for automobiles cannot be overestimated. If the automobile is to be the predominating vehicle on our public ways, it is necessary that the roads should be so constructed and maintained as to meet the requirements for the safe operation of the motor carriage, and it is a duty resting upon the highway authorities to recognize this fact. The law keeps up with improvement and progress. Those officers who execute the law are bound to perform their duties in accordance with the law and the necessities of the times.

§ 2. Condition of roads.

The question is naturally asked whether roads that are safe and suitable for the metal-tired vehicles are

ordinarily safe for the automobile? If they are, then the law demands nothing more in road construction for the motor vehicle than for the vehicle which is drawn by muscular power. This question is probably one of the least difficult to answer of any concerning the legal rights of motoring. The automobile's novel motive power, communicating force in propelling the machine in a new way and from an unusual direction, and the means of contact with the road constitute the motor vehicle such a radically different means of transportation than the ordinary carriage, that new road conditions are imperatively necessary. Let us consider wherein improved conditions of the road are indispensable. Take for example the motor car's means of contact with the road, the rubber tire. This comparatively new form of tire calls for road construction which will not injure its use, and this requirement is of vital importance, since an injury to the tire may mean substantial injury to the machine and a fatality to the occupants. Not a few cases already have occurred wherein serious accidents resulted from injuries to tires. Suppose a soft spot should be left in a road after digging up the surface, which is not an infrequent condition in many places, and suppose an automobile, traveling at a fair rate of speed, strikes the soft spot with one of the front wheels. Is the result exactly the same, or apt to be so, in the case of a vehicle drawn by an animal? The question does not need argument for its solution. The fact that the power in one case is communicated on the back of the vehicle, and it is on the front in the other situation, renders the liability to danger different, and necessarily such a road less safe for automobiles than other vehicles. This has a direct bearing on the duties of

highway authorities and municipal liability for defects in streets.

§ 3. Liability for defective highways.

As bearing on the subject under consideration, an important case recently decided by the Supreme Judicial Court of *Massachusetts* (*Baker v. City of Fall River*, 72 N. E. Rep. 336) is of great interest. In this case it was decided that under the *Massachusetts* law providing that highways shall be kept in a reasonably safe condition for travelers with horses, teams, and carriages; an automobile being a vehicle in common use for transporting persons and merchandise, a defect in a street which caused an injury to one operating an automobile, being a defect dangerous to ordinary vehicles, the fact that the conveyance was an automobile did not preclude a recovery against the city. The court said that the law "deals with the state of repairs in which ways are to be kept. In the present case the alleged defect was one which would be dangerous to ordinary vehicles. Therefore, we have no occasion to consider whether roads must be kept in such a state of repair and smoothness that an automobile can go over them with assured safety." It will be seen that the issue intended to be presented herein was not decided by the *Massachusetts* case, but the statement of the court, in the matter quoted, that the question of safe roads for automobiles was not then presented by the facts before it, suggested grave questions which are certain to arise some time in the near future.

CHAPTER XIII.

AUTOMOBILE LEGISLATION.

- SEC. 1.** General considerations.
2. Fairness of laws.
3. Prohibiting reckless motoring.
4. Uniformity of automobile legislation.
5. Non-resident automobilists.
6. What may be expected of future laws.

§ 1. General considerations.

The legislative regulation of motoring is of vital importance to motor-car owners and operators, not only from the standpoint of keeping within the law, but because every motorist has, or should have, a desire to see that these laws are fair and reasonable in their tendency to protect public safety. Prejudicial or otherwise discriminating legislation against motoring is to be condemned, and every effort should be made in maintaining the freedom of the road and to protect the road rights from measures imposing unreasonable hardships.

§ 2. Fairness of laws.

Legislation has, on the whole, been very fair in most of the states in its interest for the public and the motorist. Only occasionally enactments have seemed to be grossly unreasonable and discriminating. The greatest complaint is concerning the oppressive execution of the laws by unscrupulous officers rather than against the regulations themselves. Some of the law periodicals are advocating more stringent legislation in reference to reckless motoring and the use of motor

cars on the streets. One who has studied and compared the legislation of the various states of the Union and of England, and the decisions handed down by the courts, and has considered well the legal status of the motor car, would hesitate long before advising the enactment of drastic legislation which would also unduly restrict the rights of the careful driver.

§ 3. Prohibiting reckless motoring.

Legislation against reckless motoring is, of course, desirable, but the prudent operator should not necessarily be restricted. The "English Motor Car Act" contains interesting provisions in this respect, and that act is worth consideration by the state legislatures as much as many other valuable English statutes that we have adopted. The provision against reckless motoring makes it a criminal offense if any person drives a motor car on a public highway "recklessly or negligently, or at a speed, or in a manner, which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the highway, and to the amount of traffic which actually is at the time or which might reasonably be expected to be on the highway." This is a wise and sensible provision. It makes due care the test of all questions of prudent operation, having regard to the nature and condition of the road, the traffic and the circumstances of each particular case. The rate of speed, if within the limit, is immaterial if the motoring is done with prudence. The personal elements of motoring is here regulated, while the machine itself is left unrestricted. This legislation is aimed directly at the chauffeur who has been the direct cause of prejudicial feeling against the motorists.

England has in this statute delivered a blow to the careless operator, and has, at the same time, protected the chauffeur who is cautiously mindful of his duties and responsibilities to his employer and to the public. Let the United States study and follow the successful operation of the English enactment.

§ 4. Uniformity of automobile legislation.

Uniformity of state legislation is always desirable in all branches of the law where the conditions are the same. It is especially necessary where the subject of legislation extends beyond the state's jurisdiction and into and through other states. Motoring is decidedly a subject of this character. Not only is uniform motor-car legislation an advantage to the motorist, but the states would be benefited by it. A state judicial decision construing a provision of the law would have great force in another state as a correct exposition of the regulation, and unnecessary trouble and expense could thereby be avoided. The execution of the statutory provisions would also be more uniform and equitable since each state would determine its procedure from the experience of other states. The legislation as it now exists possesses little uniformity. The states have enacted few provisions in common.

§ 5. Nonresident automobilists.

Some of the states have been solicitous in reference to the motoring privileges of nonresidents. Under the provisions in some of the states, as will be seen from the compilation in this work, nonresident motorists may operate their machines in the state if the laws of the resident state have been complied with. Some of the states, however, have not had the kindness to extend this hospitality, and require registration and

licensing from all. But there are certain privileges, immunities, and rights which the state is bound to afford to the motorist of another state and which the state cannot lawfully or constitutionally deny. The state has no power to enact legislation imposing greater restrictions or burdens on nonresidents than those regulating resident motorists. The nonresident has a right to the equal protection of the laws and cannot be discriminated against by hostile enactments not imposed against the people of the state enacting the legislation. In this matter, however, the states have kept fairly well within the bounds of constitutional authority, and many of them have been courteous enough to extend greater privileges to the nonresident than to residents by exempting the former from registration and licensing.

§ 6. What may be expected of future laws.

What may be expected from future automobile legislation? To answer this question the proven defects of existing regulations, the conduct of the motor car operators, and the increase of motor car traffic must be considered. These, however, are not all the matters to be taken into account. We may expect regulations protecting the motorist. It is possible that the manufacture and construction of machines may have to be regulated to some extent. This will depend, of course, on the standard of construction maintained with a view of protecting the safety of the occupants and others. Questions will have to be solved as they arise, and in order to obtain the most beneficial results for all parties causes and effects should be carefully studied, and both the state and the motorist should co-operate.

CHAPTER XIV.

FEDERAL CONTROL OVER MOTORING.

SEC. 1. In general.

2. Powers of state and federal governments.
3. Regulation of internal matters belongs to state.
4. Interstate motoring.

§ 1. In general.

The question has been raised in the minds of many whether or not the United States government should, to any extent, control the operation of automobiles and seek to take the matter out of the hands of the states. This question naturally arises from a consideration of the adverse attitude which some of the state legislators have taken in reference to the automobile. The advisability of Congress to control interstate motoring does not depend upon any action the state might take in regulating the automobiles within its borders.

§ 2. Powers of state and federal governments.

It is not so much a question whether the United States should control the operation of the motor vehicles as whether the federal government really possesses the power to act in the matter. It must not be forgotten that in this country there are two distinct sovereignties — two governments — that of the state and that of the United States. Each government is distinct and independent of the other in many matters.

There are certain things that the United States government cannot do which affect the states; and there are matters the state has no control over which affect the United States.

§ 3. Regulation of internal matters belongs to state.

The regulation of the use of internal highways is a matter which belongs exclusively to the state government. It is a matter of purely internal concern and comes under the state's power to pass regulations protecting the public from danger in the operation of vehicles on the highways. Over these state internal police matters the United States has no control at all; and in so far as motoring is confined exclusively within the jurisdiction of the state Congress cannot act.

§ 4. Interstate motoring.

Where, however, automobiling is interstate, that is, where the motorist passes from one state into another, the federal government is given jurisdiction over such travel by the United States Constitution. The United States has jurisdiction to control interstate commerce, and interstate commerce includes interstate travel by means of the motor car. Action by the United States in respect to interstate motoring, however, would not prevent the states from regulating automobile travel within their own domains. This right is granted the states by the Constitution and could not be taken from them by any act of Congress.

PART II.

AUTOMOBILE ENACTMENTS.

The following is a complete compilation of the automobile legislation in the United States and England, omitting local ordinances and regulations:

ALABAMA.

Operators must register, et cetera.

SEC. 1. That it shall be unlawful for any person to run, operate or drive any automobile, locomobile or motor vehicle of like kind on the public roads and highways of this state without first registering same as hereinafter provided and without complying with the provisions of this act.

Registration, certificate, and fee.

§ 2. That any person acquiring any automobile, locomobile or motor vehicle shall within ten days after acquiring the same register such vehicle in the office of the probate judge of the county of the residence of the owner or in which said vehicle is to be run or operated, in a book to be kept for that purpose by said judge, giving the name and exact residence of the owner or person who will run or operate said automobile, locomobile or motor vehicle, of like kind and the name and style of the vehicle. Said book shall be open to the inspection of the public at all times. Said probate judge shall thereupon issue his certificate of registration of such person, showing the name and residence of the owner or person who shall run or operate said vehicle, the name and style of the vehicle and the number of the certificate of registration, beginning with number one and numbering forward in numerical order as the applications for registration are made. Such certificate of registration and number shall not be trans-

ferable. Such probate judge shall be entitled to a fee of twenty-five cents for each certificate of registration under this act to be paid by the applicant. This section shall not apply to a person manufacturing or dealing in automobiles, locomobiles or motor vehicles, except those for his own private use.

Special speed regulations.

§ 3. No automobile, locomobile or motor vehicle propelled by steam, gasoline or electricity or other source of energy shall pass a person driving a horse or horses or other domestic animals, or foot passengers walking in the roadway of the highway, at a greater rate of speed than eight miles per hour, nor pass a public school, in school days when school is held between the hours of eight o'clock ante meridian and four o'clock post meridian, or pass a building of public worship on the Sabbath day during the usual hours of service at a greater rate of speed than eight miles per hour, or cross a dam or causeway where the traveled portion of the roadbed is less than twenty feet wide at a greater rate of speed than four miles per hour.

General speed regulation.

§ 4. That no person shall run, operate or drive an automobile, locomobile or motor vehicle of like kind on any public road or highway of this state at a greater rate of speed than eight miles an hour.

Necessary equipment.

§ 5. That it shall be unlawful for any person to run, operate or drive any automobile, locomobile or motor vehicle of like kind upon the public roads and highways of this state unless the same be equipped with suitable and efficient appliances to lessen noxious odors, diminish noise and bring such vehicle to a quick stop.

Stopping on signal.

§ 6. That every person driving an automobile, locomobile or motor vehicle shall at request or signal by putting up the hand, from a person riding or driving a restive horse or horses, or driving domestic animals, cause such vehicle to stop and remain stationary, and upon request shall cause the engine of such vehicle

to cease running so long as may be necessary to allow said horse or domestic animals to pass.

Duty of judges and grand juries.

§ 7. That it shall be the duty of the judge of all courts of record in this state having grand juries to give this act in special charge, and it shall be the duty of the grand juries to indict any person who has violated or failed to comply with the provisions and requirements of this act.

Penalties for violation.

§ 8. That any person violating any of the provisions of this act, or failing to comply with the requirements thereof, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than twenty nor more than one hundred dollars, and on any subsequent conviction, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than six months.

Approved October 9th, 1902.

CALIFORNIA.

Definitions.

SEC. 1. Subdivision 1. The words and phrases used in this act shall, for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "Motor vehicle" shall include all vehicles propelled by any power other than muscular power, provided that nothing herein contained shall, except the provisions of subdivisions three, four and five of section three and subdivision one of section four of this act, apply to motor cycles, motor bicycles, traction engines or road rollers; (2) "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway or public place in any county, or incorporated city and county, city or town; (3) "closely built up" shall mean (a) the territory of any county or incorporated city and county, city or town contiguous to a public highway which is at that point built up with structures devoted to business, (b) the territory of any county or incorporated city and county, city or town contiguous to a public highway not devoted to business where for not less than one-quarter of a mile the dwelling houses on such highway average less than one hundred feet apart, provided that the local authorities having charge of such highway shall have placed conspicuously thereon at both ends of such closely built up sections signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to — miles," inserting in the blank space the number of miles to which the speed is to be reduced and also an arrow pointing in the direction where the speed is to be reduced; (4) "local authorities" shall include all boards of supervisors, trustees or councils, committees and other public officials of counties, or incorporated cities and counties, cities or towns; (5) "chauffeur" shall mean any person operating a motor vehicle as mechanic, employee or for hire.

Filing statement by owner.

§ 2. Subdivision 1. Every person hereafter acquiring a motor vehicle shall, for every vehicle owned by him, file in the office of

the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered including the name of the maker, factory number, style of vehicle and motor power on a blank to be prepared and furnished by such secretary of state for that purpose; the filing fee shall be two dollars.

Registration and record.

Subd. 2. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book or index to be kept for that purpose, and assign it a distinctive number.

Registration seal.

Subd. 3. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form, approximately two inches in diameter, and have stamped thereon the words "Registered motor vehicle, No. ——, State of California," with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

Owners previously registered.

Subd. 4. If the vehicle has been previously registered, the certificate issued thereon shall be returned to the secretary of state and in lieu thereof such secretary shall issue to said owner a registration seal containing the number of such previous registration upon payment of a fee of one dollar. Upon the sale of a motor vehicle the vendor, except a manufacturer or dealer, shall within ten days return to the secretary of state the registration seal affixed to such vehicle.

Display of registration number.

Subd. 5. Every motor vehicle shall also at all times have the number assigned to it displayed on the back of such vehicle in such manner as to be plainly visible, the numbers to be in Arabic numerals, black on white background, each not less than three inches in height, and each stroke to be of a width not less than half an inch, and also as a part of such number the abbreviated

name of the state in black on white ground, such letters to be not less than one inch in height.

Registration of manufacturers or dealers.

Subd. 6. A manufacturer of or dealer in motor vehicles shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with subdivisions one, three, five and eight of this section, until such vehicle shall be sold or let for hire. Nothing in this subdivision shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for private use or for hire.

Fictitious seal or number.

Subd. 7. No motor vehicle shall be used or operated upon the public highways after thirty days after this act takes effect which shall display thereon a registration seal or number belonging to any other vehicle, or a fictitious registration seal or number.

Unregistered vehicle not to be operated.

Subd. 8. No motor vehicle shall be used or operated on the public highways after thirty days after this act takes effect, unless the owner shall have complied in all respects with this section, except that any person purchasing a motor vehicle from a manufacturer, dealer or other person after this act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a period of five days after the purchase and delivery thereof, provided that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Non-resident owners exempt.

Subd. 9. The provisions of this section shall not apply to motor vehicles owned by non-residents of this state and only temporarily

within this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as in this section provided.

Speed permitted.

§ 3. Subdivision 1. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway or so as to endanger the life or limb of any person or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one mile in six minutes, or elsewhere in any incorporated city and county, city or town at a greater rate than one mile in four minutes, or elsewhere outside of any incorporated city and county, city or town, at a greater rate than one mile in three minutes; subject, however, to the other provisions of this act.

Speed at bridges, crossings, etc.

Subd. 2. Upon approaching a bridge, dam, sharp curve, or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in fifteen minutes, and upon approaching a crossing of intersecting highways at a speed not greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Meeting pedestrians, drivers and riders.

Subd. 3. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in the case of horses or other draft animals, to prevent frightening the same.

Stopping on signal.

Subd. 4. A person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses, or other draft animals, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided that, in case such horse or animal appears badly frightened or the person operating such motor vehicle is requested to do so, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure safety to others.

Giving name and address, accidents.

Subd. 5. In case of accident to a person or property on the public highways, due to the operation thereon of a motor vehicle, the person operating such motor vehicle shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

Speed tests and races.

Subd. 6. Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

Rules of the road.

§ 4. Subdivision 1. Wherever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any other vehicles, the person so operating such motor vehicle shall reasonably turn the same to the right of the center of such highway so as to pass without interference. Any such person so operating a motor vehicle shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any

such person so operating a motor vehicle shall at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left. Nothing in this subdivision shall, however, be construed as limiting the meaning or effect of the provisions of section three of this act.

Brakes, bell, horn and lamps.

Subd. 2. Every motor vehicle, while in use on the public highway, shall be provided with good and efficient brakes, and also with suitable bell, horn, or other signal, and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction towards which such vehicle is proceeding, showing the registered number of the vehicle in separate Arabic numerals, not less than one inch in height and each stroke to be not less than one-quarter of an inch in width, and also a red light visible in the reverse direction.

Local ordinances prohibited.

Subd. 3. Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways or excluding or prohibiting any motor vehicle whose owner has complied with section two of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which such vehicles may be operated, or the use of the public highways, contrary or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; provided, however, that the local authorities of incorporated cities and counties, cities and towns, may limit by ordinance, rule or regulation hereafter adopted the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all

other vehicles, such speed limitation not to be in any case less than one mile in six minutes and on further condition that such incorporated city and county, city or town, shall also have placed conspicuously on each main public highway where the boundary of such municipality crosses the same and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to —— miles" (the rate being inserted), and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the penalties for violation thereof similar to and no greater than those fixed by such local authorities for violation of speed limitation by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in section six of this act, and provided further that nothing in this act contained shall be construed as limiting the power of local authorities to make, enforce and maintain further ordinances, rules or regulations affecting motor vehicles which are offered to the public for hire.

Parks, parkways and cemeteries.

Subd. 4. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any public park, or parkways, but in that event, signs at each entrance of such park and along such parkway, conspicuously indicating the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for burial of the dead.

Right to recover damages.

Subd. 5. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employee or agent.

Chauffeur's statement.

§ 5. Subdivision 1. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the secretary

of state, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate, and shall pay a registration fee of two dollars.

Chauffeur's registration and record.

Subd. 2. The secretary of state shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Chauffeur's badge.

Subd. 3. The secretary of state shall forthwith, upon such registration and without other fee, insure and deliver to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form, and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words: "Registered Chauffeur, No. ——, State of California," with the registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways.

Fictitious badge.

Subd. 4. No chauffeur, having registered as herein provided shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge.

Unregistered chauffeur may not operate.

Subd. 5. No person shall operate a motor vehicle as a chauffeur upon the public highways after thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this section.

Penalties for violation.

§ 6. Subdivision 1. The violation of any of the provisions of this act by any owner, chauffeur or operator of any motor vehicle, shall be deemed a misdemeanor, punishable, upon conviction thereof, by a fine not exceeding one hundred dollars for the first

offense, and punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both, for a second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment not exceeding thirty days for a third or subsequent offense.

Release from custody, bail, etc.

Subd. 2. In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this act, he shall be forthwith taken before the nearest justice of the peace, or police judge or court, and be entitled to an immediate hearing; and if such hearing cannot then be had, be released from custody on giving his personal undertaking to appear and answer for such violation, at such time and place as shall then be ordered, secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, by leaving the motor vehicle owned by such person with such justice of the peace, police judge or clerk of such police court, or, in case such justice of the peace or police judge is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof, by leaving the motor vehicle owned by such person with such officer, provided, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and by endorsement on such receipt notify such person to appear before the nearest justice of the peace or police judge or court, on the following day, naming him or it and specifying the place and hour. In case security shall be deposited, as in this subdivision provided, it shall be returned to the person depositing forthwith on such person being admitted to bail, on the surrender of any receipt or other voucher given at the time of such deposit. If such person shall fail to appear before the magistrate or court at the time ordered or specified, the amount deposited by him may be declared forfeited and disposed of as money deposited for bail in other cases, or the motor which may be so left by him may be sold at a public auction by order of the justice of the peace, or police judge or court, and from the amount realized upon such sale, a sum equal

to the maximum fine for the offense charged shall be disposed of in like manner, and the surplus, if any, after deducting all expenses incurred in keeping or sale of such motor vehicle, be returned to such owner on demand, but no such forfeiture and disposition of such security shall in anywise impair the jurisdiction of such justice of the peace, police judge or court to hear and determine any such charge made against such owner, or to inflict, upon conviction thereof, any punishment prescribed by this act.

Fees to be paid into state treasury.

§ 7. The amount of fees received by the secretary of state, as in this act provided, shall be paid into the state treasury, to be paid into the general fund of the state.

Appropriations.

§ 8. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty thousand dollars (\$20,000.00) for the purpose of carrying out the objects of this act, to be used by the secretary of state in the employment of the necessary clerk or clerks; the purchase of the necessary stationery, books and postage; for the necessary incidental expenses; for the purchase of the necessary seals and badges; for printing, ruling, binding, and all other work performed and materials used by the state printing office, to be used during the balance of the fifty-sixth, and during the fifty-seventh and fifty-eighth fiscal years. The state controller is hereby directed to draw his warrant for any claim against said sum, the same having been approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

Repeal.

§ 9. All acts and parts of acts inconsistent herewith or contrary hereto are, so far as they are inconsistent or contrary, hereby repealed.

Takes effect.

§ 10. This act shall take effect immediately.

CONNECTICUT.

Definition of term "motor vehicle."

SEC. 1. Whenever the term "motor vehicle" is used in this act, except when otherwise expressly provided, it shall include all vehicles propelled by any power other than muscular, except road rollers, fire engines, police patrol wagons, ambulances and such vehicles as run only upon rails or tracks.

Owner's registration and certificate.

§ 2. Every owner of one or more motor vehicles shall file in the office of the secretary of the state, a statement of his name, residence and post-office address, on a blank furnished by the said secretary for that purpose, and shall obtain from the said secretary a numbered certificate, which certificate shall state the name of such owner and that he has registered in accordance with the provisions of this act.

Motor vehicle must display number plate.

§ 3. Every such motor vehicle, except motor bicycles, shall, at all times while being used or operated upon the public highways of this state, have displayed in a conspicuous place and manner, securely fastened, upon both the front and rear of such vehicle a plate or marker, the plate or marker on the rear to be fastened so as not to swing, which markers shall be obtained from the said secretary as hereinafter provided, and which shall bear the initial letter of this state and the number of the certificate issued to the owner of such motor vehicle, the letter and figures thereon to be four inches high and each stroke thereof to be one-half inch wide and at all times unobscured.

Motor bicycle must display number and letter.

§ 4. Every motor bicycle shall, at all times while being used or operated, upon the public highways of this state have displayed thereon the initial letter of this state and the number of the certifi-

eate issued to the owner of such motor bicycle, such letter and figures to be at least one inch and either painted on such motor bicycle or displayed on a plate or marker securely fastened thereto.

Records and number plates.

§ 5. The said secretary of the state shall keep a record of all statements filed with him, and of all certificates issued by him, which record shall be open to public inspection; he shall furnish, from time to time, at cost price to any person registered under the provisions of this act, as many plates or markers as may be required by such person for display upon the one or more motor vehicles, except motor bicycles, owned by him at the time of such registration, or thereafter acquired, the number on such plates or markers to be the same in every case as the number of the certificate originally issued to such person under the provisions of this act; and in the event that any certificate issued by the said secretary under the provisions of this act shall be lost or destroyed, he shall issue to the person whose certificate has been thus lost or destroyed a duplicate thereof, bearing the same number as the certificate originally issued to such person.

Fee.

§ 6. A fee of one dollar shall be paid to the said secretary of the state for each original or duplicate certificate issued by him in accordance with the provisions of this act.

Limitations of act, motor vehicles for hire excepted.

§ 7. No license, permit or registration shall be required of the owner or operator of any motor vehicle except in accordance with the provisions of this act, nor shall any such vehicle be required to be marked in any way except in accordance with the provisions of this act; but nothing in this section contained shall apply to such motor vehicles as are offered to the general public for hire.

Non-residents exempt.

§ 8. Any non-resident of this state who shall have complied with the laws of any other state or territory of the United States requiring the registration of owners of motor vehicles, or of motor vehicles, or of both, and the display of identification numbers on

such motor vehicles, and who shall cause the identification numbers of such state or territory, in accordance with the laws thereof, together with the initial letter or letters of the state or territory issuing the same, to be displayed on his motor vehicles while used or operated upon the public highways of this state may use such highways, for a period not to exceed fifteen days in any one year, without complying with the provisions of the foregoing sections of this act; provided, however, that if any non-resident shall be convicted of violating any provision of section ten or section eleven of this act, he shall thereafter be subject to and required to comply with all the provisions of sections two, three, four, five, six, seven, of this act.

Offenses prior to August 1, 1905.

§ 9. No prosecution based upon sections two, three, and four of this act shall be brought for any offense committed prior to August 1, 1905. [By an amendment approved July 19, 1905, it was provided that no prosecution based upon the provisions requiring the display of a numbered plate or marker, shall be brought for any offense committed prior to September 1, 1905; provided, that the number of such motor vehicle required by chap. 107 of the acts of 1903 is displayed as required by said chapter.]

Speed limits.

§ 10. No person shall operate a motor vehicle on the public highways of this state at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger property or the life or limb of any person, or in any event, within the limits of any city or borough at a greater rate of speed than one mile in five minutes, or outside the limits of any city or borough at a greater rate of speed than one mile in three minutes.

Rules when meeting or passing persons riding, driving or walking.

§ 11. Upon approaching any person walking in the traveled portion of any public highway, or a horse or any other draft animal being led, ridden, or driven therein, or a crossing of intersecting public highways, or a bridge or a sharp turn or curve, or a steep descent, and also in passing such person, horse or other draft animal, and in traversing such crossing, bridge, turn, curve or descent,

the person operating a motor vehicle shall have the same under control and shall reduce its speed. If such horse or other draft animal being so led, ridden, or driven shall appear to be frightened, or if the person in charge thereof shall signal so to do, the person operating such motor vehicle shall bring the same and the motor or other power propelling the same immediately to a stop, and if traveling in the opposite direction, shall remain stationary so long as may be reasonable to allow such horse or animal to pass, or, if traveling in the same direction, shall use reasonable caution in thereafter passing such horse or other animal.

Local ordinances prohibited, exceptions.

§ 12. No city, town or borough shall have any power to make any ordinance, by-laws, or resolution respecting the speed of motor vehicles, and no ordinance, by-law or resolution heretofore or hereafter made by any city, town or borough in respect to motor vehicles shall have any force or effect; provided, however, that powers given to any town, city or borough to regulate shows, processions, assemblages or parades in streets and public places, and to regulate the use of public parks, and all ordinances, by-laws and regulations which may have been or which may be enacted in pursuance of said powers, shall remain in full force and effect.

Jurisdiction of justice of peace.

§ 13. In all complaints for the violation of any provision of this act the justice of the peace before whom the same shall be tried shall have jurisdiction and power to render judgment therein, and issue process of execution and writs thereon, where such fine or penalty imposed shall not exceed two hundred dollars, or imprisonment for thirty days, or both; but the defendant shall have the right of appeal as in other cases.

Punishment for violations.

§ 14. Any person violating any provision of sections ten and eleven of this act shall be fined not more than two hundred dollars or imprisoned not more than thirty days, or both, for a first offense, and shall be fined not more than five hundred dollars or imprisonment not more than sixty days, or both, for any subsequent offense. Any person violating any other provision of this act shall be fined not more than fifty dollars.

Repeal.

§ 15. Chapters one hundred and seven and one-hundred and eight of the public acts of nineteen hundred and three and all other acts and parts of acts inconsistent herewith are hereby repealed.

When act takes effect.

§ 16. This act shall take effect July 15, 1905.

"RULES OF THE ROAD."**Definition of vehicle.**

SEC. 1. Whenever the term vehicle is used in this act it shall include bicycles, tricycles, motor bicycles, motor vehicles of all kinds, vehicles drawn by horses or other animals, and all other vehicles used for the carriage of persons or goods, no matter how propelled, excepting only such vehicles as are run only upon rails or tracks.

Rule when meeting or passing.

§ 2. Whenever a person walking in the traveled portion of a public highway, or a person riding, driving or leading a horse or other animal therein, or driving or operating a vehicle therein, shall meet another person thus walking or thus riding, driving, or leading a horse or other animal, or thus driving or operating a vehicle, if such persons are moving in opposite directions each shall slacken his pace, if necessary, and seasonably turn to the right so as to give half of the traveled road, if practicable, and a fair and equal opportunity to pass, to the other; or, if they are moving in the same direction, the person overtaking shall pass on the left side of the person overtaken, and the person overtaken shall as soon as practicable, turn to the right so as to give half of the traveled road and a free passage on the left to the other. Any such person shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right, and pass to the right of such intersection when turning to the left.

Penalty for violating section two of this act.

§ 3. Every such person who shall, by neglecting to conform to the provisions of section two of this act, cause any injury to the

person or property of another, or shall negligently collide with another, thereby causing such injury, shall pay to the party injured treble damages and costs.

Owner liable for injury caused by servant, etc.

§ 4. If the owner of any horse or other animal, or of any vehicle shall entrust such animal or vehicle to his agent, servant or employee, to be ridden, led, driven or operated by such agent, servant or employee upon the public highways of this state, or shall rent or loan the same to an incompetent and inexperienced person to be thus ridden, led, driven or operated, and such agent, servant or employee while in the execution of such owner's business within the scope of his authority, or such incompetent and inexperienced person, as a result of such incompetency and inexperience, shall, by neglecting to conform to the provisions of section two of this act, cause any injury to the person or property of another, or shall negligently collide with another, thereby causing such injury, such owner shall pay to the party injured his actual damages and costs; but in every case the party injured shall elect whether he shall proceed against such owner under the provisions of this section or against the person actually causing such injury under the provisions of section three of this act.

Penalty for violation of section two of this act.

§ 5. Any person violating any of the provisions of section two of this act shall be fined not more than fifty dollars.

Statutes repealed.

§ 6. Section two thousand and thirty-five, two thousand and thirty-six, two thousand and thirty-seven and two thousand and thirty-eight of the general statutes and all other acts and parts of acts inconsistent herewith are hereby repealed.

Approved July 6, 1905.

DELAWARE.

Definition of motor vehicle.

SEC. 1. Wherever the term "motor vehicle" is used in this act it shall be construed to include automobiles, locomobiles, and all other vehicles propelled wholly otherwise than by muscular power, excepting cars of electric and steam railways and other motor vehicles running upon rails or tracks; but nothing in this act contained shall be construed to apply to or affect bicycles, tricycles or such other vehicles as are propelled exclusively, or in part, by muscular pedal power.

Owner's registration, application, fee and certificate.

§ 2. Every resident of this state who is the owner of a motor vehicle shall file in the office of the secretary of state a declaration duly verified that such owner is competent to drive the motor vehicle for which application for license is made, and a written statement containing the name and address of such owner, together with a brief description of the character of such motor vehicle, including the name of the maker and the manufacturer's number of the motor vehicle, if number there be, and the rated horse power of the motor vehicle, and shall pay to the secretary of state a registration fee of two dollars for each motor vehicle; the secretary of state shall issue for each motor vehicle so registered a certificate, properly numbered, stating that such motor vehicle is registered in accordance with this section, and shall cause the name of such owner, with his address, the number of his certificate, and a description of such motor vehicle or motor vehicles, to be entered in an alphabetical order of the owners' names in a book to be kept for such purpose; this section shall not apply to manufacturers or dealers in this state of motor vehicles except as to vehicles kept by such manufacturer or such dealer for private use or for hire.

Non-residents.

Any non-resident of this state who is the owner of a motor vehicle may remain in this state for a period of forty-eight hours without

being required to register his vehicle in accordance with the provisions of this act. Any non-resident of this state who is the owner of a motor vehicle who shall remain in this state for a longer period than forty-eight hours shall be subject to all the provisions of this act.

Display of license number.

§ 3. The owner of each and every motor vehicle driving the same upon the public streets, public roads, turnpikes, parks, public parkways, public driveways or other public highways in this state shall have the number of the license issued as aforesaid by the secretary of state upon the back of every such motor vehicle, in a conspicuous place so as to be plainly visible at all times during daylight, such numbers to be separate Arabic numerals, not less than three inches in height, the strokes to be of a width not less than three-eights of an inch, and such owner shall not be required to place any other marks of identity upon said motor vehicle.

Lamps, colored lights, brakes, and bell.

§ 4. Every motor vehicle shall carry, during the period from one hour after sunset to one hour before sunrise, at least two lighted lamps, showing white lights, visible at least two hundred feet in the direction toward which such motor vehicle is proceeding, and shall also exhibit one red light visible in the reverse direction. Said red light shall be so hung upon the motor vehicle so that it may illuminate and make visible the register number of said vehicle. Every motor vehicle shall also be provided with a good and efficient brake or brakes, and shall also be provided with suitable bell, horn or other signal device.

Speed rates.

§ 5. The following rates of speed may be maintained, but shall not be exceeded upon any public street, public road, or turnpike, public park or parkway, or public driveway or public highway in this state by any one driving a motor vehicle:

(a) A speed of one mile in six minutes upon the sharp curves of a street or highway and at the intersection of prominent cross roads where such street, road or highway passes through the open country, meaning thereby portions of a town, township, borough or village where houses are more than one hundred feet apart.

(b) A speed of one mile in seven minutes where such street or highway passes through the built up portion of a city, town, borough or village where the houses are an average less one hundred feet apart.

(c) Elsewhere and except as otherwise provided in subdivisions "a" and "b" of this section a speed of one mile in three minutes; provided, however, that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb or to injure the property of any person; and it is further provided that nothing in this section contained shall affect the right of any person injured either in his person or property by the negligent operation of a motor vehicle to sue and recover damages as heretofore.

Stopping by request or on signal.

§ 6. Every person driving a motor vehicle shall, at request or upon signal by putting up the hand or otherwise from a person riding or driving a horse or horses in the opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow said horse or horses to pass on.

Rights of holders of a certificate.

§ 7. No owner of a motor vehicle who shall have obtained a certificate from the secretary of state as hereinbefore provided, shall be required to obtain any other license or permit to use or operate the same, nor shall such owner be excluded or prohibited from or limited in the free use thereof, nor limited as to speed upon any public street, avenue, road, turnpike, driveway, parkway, or other public place, at any time, when the same is or may hereafter be opened to the use of persons having or using other pleasure carriages, nor be required to comply with other provisions or conditions as to the use of said motor vehicle.

Penalties for non-compliance.

§ 8. Any person driving a motor vehicle the owner of which shall not have complied with any of the provisions of this act, or which motor vehicle shall display a fictitious number, the same being a number other than that designated for such motor vehicle

by the secretary of state, shall, upon conviction, be fined in a sum not exceeding one hundred dollars, and, in default of payment thereof, be punished by imprisonment in the county jail for a period not exceeding thirty days, provided, this section shall not be construed to prohibit a motor vehicle displaying the proper number of its license from also displaying any other number for any lawful purpose.

Penalty for racing on public highway.

§ 9. Any person driving a motor vehicle upon any public streets, public highways, public roads, turnpikes, parks, public parkways or public driveways in this state in a race or on a bet or wager shall, upon conviction, be fined in a sum not exceeding fifty dollars, and, in default of payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days.

Justice of the peace to have jurisdiction.

§ 10. The justice of the peace of this state shall have jurisdiction of all offenses against the provisions of this act, and upon oath or affirmation made that any person has violated any of the provisions of this act, any justice of the peace of the state of Delaware may issue a warrant for the arrest of the person so charged. Said warrant shall state what section or provisions of this act is alleged to have been violated by the defendant or defendants and the time and place of said violation, and immediately upon the arrest of such person, at any time to which the trial may be adjourned, the justice of the peace before whom said complaint shall be made, shall proceed with the trial of the case, and shall hear the testimony, and determine and give judgment in the matter, and if upon such trial the justice of the peace shall find the person arrested to be guilty, he shall give judgment for such penalty, as is provided for in this act, and for such costs as are now allowed by law in the prosecution of cases before justices of the peace in this state, and, in default of the payment of the judgment and the costs, the defendant so convicted may be sentenced to imprisonment for such period as is provided for in the provisions of this act. The justice of the peace before whom a complaint is made shall adjourn the hearing of said case for a time not exceeding ten days, if the defendant shall so request and shall

deposit the sum of one hundred dollars with the justice of the peace as security to appear at the time and place to which said hearing may be adjourned, and if the said defendant fails to so appear, then the said sum of one hundred dollars, so deposited, shall be forfeited to the county wherein the alleged offense is committed.

Constable may arrest, procedure thereafter.

§ 11. Any constable or police officer is hereby authorized to arrest without warrant any person driving a motor vehicle contrary to the fifth section of this act, and bring the person so offending before any justice of the peace of the state of Delaware. The person so offending shall be detained in the office of such justice of the peace until the officer or constable making such arrest shall make oath or affirmation, which he shall do forthwith, as provided in section ten of this act, whereupon said justice of the peace shall issue a warrant returnable forthwith in accordance with the provisions of section ten of this act. Any defendant convicted under any of the provisions of this act may appeal from the judgment or sentence of the justice of the peace to the court of general sessions of the state of Delaware in and for the county in which the said offense is alleged to have been committed, within three days from the date of said sentence. Any defendant appealing shall enter into recognizance with sufficient surety in such sum as may be satisfactory to the justice, conditioned for the appearance of said defendant at the next court of general sessions for the county where the offense is alleged to have been committed. Upon appeal the said court of general sessions shall have the same jurisdiction to hear and determine the appeal as it now has by law for the trial of misdemeanors, and the proceedings shall be by indictment by grand jury and trial by petit jury.

Penalty for violations not otherwise provided for.

§ 12. Any person violating any of the provisions of this act, for which violation no specific penalty is provided, shall, upon conviction, be fined in a sum not exceeding one hundred dollars, and in default of payment thereof, may be punished by imprisonment in the county jail or workhouse for a period not exceeding thirty days.

Penalty for tampering with machine.

§ 13. Any person using, interfering or tampering with any motor vehicle without the permission of the owner or the person in charge of said motor vehicle, shall, upon conviction, be fined in a sum not exceeding one hundred dollars and in default of payment thereof, may be imprisoned for a period not exceeding thirty days.

Traction engines exempted.

§ 14. That traction engines used for agricultural purposes shall be exempted from the provisions of this act.

Repeal.

§ 15. All acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, Delaware, March 2, A. D. 1905.

DISTRICT OF COLUMBIA.

Application for permit to operate, examination and registration.

SEC. 1. It shall be unlawful for any person or persons with the exception hereinafter named, to operate any motor vehicle of any kind, the motive power for which shall be electricity, steam, gas, gasoline, oil, naphtha, or other similar source of energy, whether such vehicle be used as public hack, truck, or for hire, or for private use for pleasure or business, except railroad locomotives and electric cars, until such person has first made application in writing and presented himself or herself, for examination before a board of examiners to be appointed by the commissioners of the District of Columbia, who shall examine such applicant as to his or her competency to operate the specified vehicle and make a report of such examination to the said commissioners, who, if they are satisfied the applicant is qualified to operate the specified vehicle, will issue a permit therefor. Persons licensed by the board of examiners of steam engineers previous to the adoption of these regulations will not be required to undergo another examination, but within thirty days from such adoption each such person shall register his or her name with the secretary of the board of commissioners in order to receive the permit number mentioned in section two of these regulations; provided, however, that these regulations shall not apply to any person learning to operate motor vehicles, in case such learner is accompanied by a licensed operator, who shall be held responsible for the strict observance of these regulations by such learner.

Permit, display of number, exemption of non-residents.

§ 2. Each permit issued hereunder shall be numbered, and shall contain the name and address of the person in whose favor it is issued, and shall describe definitely the kind of vehicle to be operated thereunder.

Each machine shall be identified by a number, which shall be conspicuously displayed upon the rear of the vehicle, so as to be

plainly visible, the figures to be separate Arabic numerals not less than three inches high, and the strokes not less than three-eights of an inch in width; and also as a part of such number the initial letters D. C. (placed perpendicularly after the numerals), each letter to be not less than one inch in height. Numbers shall not be transferred from one vehicle to another, nor shall machine numbers be loaned from one person to another, nor shall fictitious numbers be used.

That so much of article twenty-four, section two, of the police regulations of the District of Columbia, as requires the placing of numbers on motor vehicles shall not apply where tourists or non-resident owners of motor vehicles, who have complied with any law requiring the registration of owners of motor vehicles in the state, territory or federal district of their residence and the registration number showing the initial of such state, territory or federal district is displayed on such vehicle, but all such owners shall be required by the police to register the description and designation numbers of their motor vehicles, giving temporary address in the District of Columbia and their home address, with the secretary of the automobile board; such registration to entitle such registered motor vehicles to be operated in the District of Columbia for a period not to exceed sixty (60) days.

Lamps.

§ 3. Each vehicle to which these regulations refer shall be equipped with at least two suitable lamps to be approved by the commissioners of the District of Columbia, such lamps to be carried at the front of the vehicle, one on each side. There shall also be a lamp attached to the left side of the rear of the such vehicle, so as to throw a white light upon, and thus make plainly visible the machine number, and to show a red light to the rear. The said lamps shall be kept brightly burning from one-half hour after sunset as long as the vehicle is used at night. Provided, The provisions of this section requiring the placing of a lamp upon the rear of vehicles shall not apply to motor cycles.

Lock.

§ 4. Each vehicle to which these regulations refer shall be provided with a lock suitable to lock the starting lever, throttle or

switch by which the vehicle is set in motion, and no person shall allow any motor vehicle operated by him, or by her, to stand or remained unattended on any of the streets, avenues, roads, alleys, highways, parks, parkways, or other public places, without having first locked the lever, throttle, or switch, by which the vehicle may be started.

Right of way.

§ 5. Motor vehicles moving north or south shall have the right of way over motor vehicles moving east or west, but this right of way shall not be construed as relieving the operator of any motor vehicle having such right of way from exercising due caution to prevent collision with other vehicles or with pedestrians.

Intoxicated persons may not operate.

§ 6. No person shall operate or attempt to operate any motor vehicle while such person is in a state of intoxication, or is in other respects incapable of properly and safely operating said motor vehicle.

Careless or reckless operator.

§ 7. No person shall operate or attempt to operate any motor vehicle on any of the streets, avenues, roads, alleys, highways, parks, parkways, or other public places, in a careless or reckless manner so as to endanger the life, person or property of any other users of such public places.

Exhibition of permit.

§ 8. Each person shall exhibit his or her permit to any police officer or to any member of the above mentioned board of examiners, when demand for such exhibit is made.

Penalty for violation.

§ 9. Any person attempting to operate or operating any vehicle covered by the provisions of these regulations on any of the streets, avenues, roads, alleys, highways, parks, parkways or other public places within the District of Columbia, without first obtaining a permit to do so, or who shall otherwise violate any of the provisions or requirements of these regulations, shall be punished, on

conviction thereof, by a fine of not more than forty dollars for each and every violation.

ARTICLE X.

Bells, horns and lights.

§ 4. . . . motor carriages and all cycles, bicycles, tricycles . . . shall have at all times a suitable gong or bell (or in case of motor vehicles, a suitable horn) sufficiently distinctive from the bells provided for the fire department and ambulance service, so attached as to be readily sounded for the purpose of warning persons of their approach; and all cycles, bicycles, tricycles and motor vehicles in motion between one hour after sunset and one hour before sunrise, shall display suitable lights.

Traffic regulations.

§ 5. The drivers of vehicles in motion and following each other on any street, avenue or alley within the District of Columbia shall maintain a clear interval of not less than fifteen feet between every two consecutive carriages, carts or wagons, including the animals drawing the same; and the driver of every carriage, cart or other vehicle shall at all times keep either upon the seat thereof or at the head of the animal or team drawing the same. Vehicles shall not be allowed to stand or be driven two or more abreast on either side of streets upon which are double street car tracks, unless the roadway is more than fifty feet wide.

Rules on meeting, turning around or passing other vehicles.

§ 6. Every vehicle in motion on a public highway shall keep on the right side thereof. Pennsylvania avenue shall be considered as two streets, separated by the car tracks, but the general movement of vehicles thereon shall be subordinated to the business of the shops and stores. Every vehicle, when passing another vehicle facing or moving the opposite direction, shall pass to the right; but in passing another vehicle moving in the same direction, shall pass to the left. When a vehicle is to be turned around it shall have the right of way, if turned to the right. If necessary to turn about to the left, the person in charge thereof shall see that his way is clear before turning. Every vehicle turning to the left, into an intersecting street, shall move so as to leave sufficient

clear space between it and the left-hand curb to permit the safe passage of another vehicle. Every vehicle in turning-a-corner to the right, shall keep to the right of the center of the street. No vehicle shall be so directed as to crowd any person on a bicycle on or against the curb of the street, or on or against any other vehicle or object on such street or off or over any embankment or into any aperture or depression. Travel on the public streets shall be regulated at all intersecting crossings by allowing the right of way to those going north and south.

Vehicles shall not stop.

§ 8. No vehicle shall stop abreast of another vehicle upon any street, to the obstruction of traffic therein, nor shall any vehicle stop upon a street crossing or upon the carriage way of a street intersection.

Privileges of certain public vehicles.

§ 9. Vehicles of the police, fire, health and water departments and hospital ambulances shall have the right of way in and upon highways, streets, avenues and alleys over all other vehicles, and the sounding of the bell or gong thereon shall constitute a warning and direction to other vehicles and pedestrians to clear the road. In cases wherein the emergency is so great that more than ordinary speed is required to save human life, to preserve property or prevent its destruction, or to prevent great inconvenience to the public, the regulations limiting the speed of vehicles shall not be deemed to apply to the vehicles above named, nor to those of the street railway companies called to make emergent repairs.

Street cars have right of way on tracks.

§ 15. Street cars within the District of Columbia shall have the right of way upon their respective tracks, except as to vehicles of the fire, police, water, and health departments and hospital ambulances, and as otherwise provided; and no person shall obstruct or delay the movements thereof, at the lawful rate of speed herein-after designated.

Rate of speed, bicycles, penalty for operating steam vehicle without a license.

§ 28. No bicycle, horseless or motor vehicle shall be propelled in the city of Washington around any corner at a greater rate of

speed than four miles an hour, nor across any intersecting streets on which there are car tracks at a greater rate of speed than six miles an hour, nor at a greater rate of speed than twelve miles an hour between intersecting streets and avenues or across streets on which there are no car lines; nor on any public street or roadway outside of said city at a greater rate of speed than fifteen miles an hour. Every such bicycle or vehicle while in motion on any public highway shall at all times be under control of the rider or operator thereof. No bicycle shall be ridden on the streets within the city limits with the lower end of the handle-bars on a plane lower than four inches below the top of the saddle at the center.

Any person who shall operate in the District of Columbia any vehicle propelled by steam without first having obtained a license to do so from the board of examiners of steam engineers of said district, shall, upon conviction thereof, be fined not less than one nor more than forty dollars for each such offense provided, that this section shall not apply to railroad engineers in charge of engines upon the tracks of steam railroads in said district.

Bridges.

§ 32. That all bridges in the District of Columbia, except the Aqueduct bridge over Rock creek, are hereby declared improved public highways and as such public highways the provisions of this article, so far as they are applicable, are hereby extended to them.

That on the following bridges, namely: The Chain bridge over the Potomac river, K street bridge over Rock creek, N street bridge over James creek canal, and Navy Yard bridge over the eastern branch of the Potomac river, the maximum rate of travel shall not be greater than a walk. On all other bridges the aforesaid maximum rate shall apply to loaded teams, but may be increased to six miles an hour for carriages and light vehicles.

Penalties for violation.

§ 34. Any person violating any of the provisions of any section of this article a penalty for which is not heretofore provided, shall, on conviction thereof, be punished by a fine of not less than one dollar nor more than forty dollars for each offense.

RECENT ENACTMENT FOR THE DISTRICT OF COLUMBIA.

NOTE.—This Act was passed by the Fifty-ninth Congress, First Session, 1906, while our book was going to press.

The Publishers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall drive or propel, or cause to be driven or propelled, any automobile, horseless or motor vehicle, bicycle, or horse-drawn vehicle within the fire limits of the District of Columbia, as said fire limits are now defined or may hereafter be defined from time to time in and by the building regulations of said District, upon any street, avenue, alley, or public highway at a greater rate of speed than twelve miles an hour between intersecting streets and avenues; nor at a greater rate of speed than fifteen miles an hour through any of the parks within said District; nor across streets at a greater speed than eight miles an hour; nor at a greater rate of speed than six miles an hour around the corners of any street or avenue; nor at a greater rate of speed than four miles an hour on the east side of Fifteenth street northwest between the south building line of G street and the south curb line of New York avenue; nor on the west side of Fifteenth street northwest between the line which would be the south building line of G street if extended to the west side of Fifteenth street and from said extended line north to the north curb line of Pennsylvania avenue; nor at the intersection of Ninth and F streets northwest between the building lines of the said streets; nor at the intersection of Ninth and G streets northwest between the building lines of said streets; nor at the intersection of Eleventh and F streets northwest between the building lines of the said streets; nor at the intersection of Eleventh and G streets northwest between the building lines of the said streets; nor on any public roadway, street, avenue, or alley within said District outside of said fire limits at a greater rate of speed than twenty miles an hour; and when meeting or passing any other vehicle the speed shall not exceed twelve miles an hour, and any automobile shall be brought to a full stop whenever the driver of a horse-drawn vehicle shall signal by raising the hand, and said vehicles shall at all times be under the control of the driver or operator; and the driver or operator and the owner or proprietor riding thereon or therein violating any of the provisions hereof shall, upon conviction for the first offense, be fined not less than five dollars nor more than fifty dollars, and shall, upon conviction for the second offense within one year from the commission of the first offense, be fined not less than ten dollars nor more than one hundred

dollars, or imprisoned for not less than five days nor more than thirty days, at the discretion of the court; and shall, upon conviction for the third offense within one year from the commission of the first offense, and for any and all subsequent offenses, be fined not less than fifty dollars nor more than two hundred and fifty dollars, and be imprisoned in the workhouse for not less than thirty days nor more than six months.

§ 2. That prosecutions for violation of the provisions of this Act shall be on information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants.

§ 3. That this Act shall not be held to take away the authority of the Commissioners of the District of Columbia to make police regulations not inconsistent herewith.

FLORIDA.

Filing statement.

SEC. 1. All persons owning or operating vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, shall file with the secretary of state of the state of Florida, the name of owner, with a brief description of the motor vehicle, including the horse power and make of such "motor vehicle" on a blank form to be furnished by the secretary of state for identification. The filing or registration fee shall be two dollars.

Registration, record and certificate.

§ 2. The secretary of state shall thereupon enter of record in a book to be kept by him for that purpose, the name of the owner, the number and kind of motor vehicle registered, and shall issue to the owner or operator thereof a certificate of registration.

Bells, lamps and registration number.

§ 3. Every such registered motor vehicle shall while in use on a public road or highway, be provided by the owner with a suitable bell, horn or whistle to be used as a signal. They shall likewise be provided with two lamps which shall be lighted between sunset and sunrise when in use on the public highways of the state. Every such motor vehicle shall also have displayed on the back of such vehicle in such manner as to be plainly visible, numbers to be in Arabic numerals of not less than three inches long and two inches wide, and the owner or person operating such vehicle shall at all times when using the same, carry with them the certificate of registration or permit issued by the secretary of state.

Transfer record and fee.

§ 4. In case of sale or exchange of registered motor vehicles, the person becoming owner thereof shall have such transfer entered on the records of the secretary of state, and shall pay a fee of two dollars therefor.

Punishment.

§ 5. Any person failing to comply with sections one, two, three and four of this act shall be guilty of a misdemeanor, and upon conviction be fined not exceeding one hundred dollars.

Speed.

§ 6. No person shall operate any such registered vehicle on a public highway at a rate of speed greater than is proper or reasonable, having due regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property.

Speed at crossings, et cetera.

§ 7. Upon approaching any sharp curve, bridges, fills and intersections of, or crossings of other roads, the person operating a motor vehicle required to be registered shall not run the same at a rate of speed exceeding four miles per hour, and shall at all times while on the public highways have said motor vehicle under perfect control.

Meeting horses, et cetera.

§ 8. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led or driven thereon, a person operating any such registered motor vehicle shall give ample signal or warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in case of horses or other draft animals to prevent frightening the same.

Stopping on signal.

§ 9. Any person operating any such registered motor vehicle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses or other draft animals, bring such motor vehicle immediately to a stop, and if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal. Provided that, in case

such horse or animal appears badly frightened or the person operating such motor vehicle is requested so to do, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others.

Owner's name and address to be given in case of accident.

§ 10. In case of accident to a person or property on the public highways, due to the operation thereon of any such registered motor vehicle, the person operating such vehicle shall stop, and, upon request of a person injured, or any person present give such person his name and address and if not the owner, the name and address of the owner.

Speed tests and races.

§ 11. Boards of county commissioners may, notwithstanding the other provisions of this act, upon application by reputable citizens, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

Chauffeurs registration.

§ 12. Every person hereafter desiring to operate any such registered motor vehicle as a chauffeur shall file in the office of the secretary of state, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle he is able to operate and shall pay a registration fee of two dollars. The secretary of state shall thereupon file such statement in office, register such chauffeur in a book to be kept by him for that purpose, and assign him a number.

Operators must have certificate, et cetera.

§ 13. No person shall operate a motor vehicle required to be registered upon the public highways after sixty days after this act takes effect, unless such person can produce a certificate or registration issued by the secretary of state, and shall have complied in all respects with the requirements of this act.

Right to civil action for damages by reason of negligence not abridged.

§ 14. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from careless or negligent use of the public highways by a motor vehicle or its owner or employee or agent.

Penalties for excessive speed, et cetera.

§ 15. The violation of any of the provisions of sections six, seven, eight, nine and ten of this act shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars for the first offense, and punishable by a fine of not less than fifty dollars or more than one hundred dollars, or imprisonment not exceeding thirty days, or both for a second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment not exceeding sixty days for a third or subsequent offense.

Penalties for other violations.

§ 16. The violation of any other section of this act shall be punished by a fine not exceeding twenty-five dollars for the first offense, a fine not less than twenty-five dollars nor more than fifty dollars for a second offense, and a fine not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding ten days, or both, for a third or subsequent offense.

Operator's rights when arrested.

§ 17. In case the owner or person operating a motor vehicle shall be taken into custody because of a violation of any provision of this act, he shall be forthwith taken before an accessible justice of the peace or county judge, and be entitled to immediate hearing; and if such hearing cannot then be had, be released from custody on giving a good and sufficient bond to appear and answer for such violation, at such time and place as shall then be designated, secured by the sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, by leaving the motor vehicle, being operated by such person, with such officer as may have the accused person in charge.

Contrary acts repealed.

§ 18. All acts and parts of acts inconsistent herewith or contrary hereto are, so far as they are inconsistent or contrary, hereby repealed.

Fees shall go to the state.

§ 19. All moneys accruing from the fees of this act shall go into the general revenue fund of the state.

Non-resident owners exempt.

§ 20. Owners of automobiles who have paid a license in any other state, shall upon exhibition of such license be exempt from paying a license in this state, for thirty days after said automobiles have been brought into this state.

Approved May 11, 1905.

ILLINOIS.

Speed.

SEC. 1. Be it enacted by the people of the state of Illinois represented in the general assembly. That it shall be unlawful for any person or persons to drive, run, conduct or propel any automobile or any other conveyance of a similar type or kind used for the purpose of transporting or conveying passengers or freight, or any other purposes, whether said automobile or conveyance or such other vehicle is propelled by steam, gasoline or electricity or any other mechanical power, at a rate of speed in excess of fifteen miles per hour upon any road or highway in the state of Illinois, "or any other rate of speed established by ordinance of any city (or) or village:" Provided, that nothing in this section contained shall prohibit or prevent the running of such automobiles or vehicles at a greater rate of speed than fifteen miles per hour upon such streets within incorporated cities or villages, as may be set apart for use of such automobiles and other conveyances and upon which said cities or villages may, by ordinance permit a greater or require a less rate of speed than herein specified.

Duty upon meeting horses, et cetera.

§ 2. Whenever it shall appear that any horse driven or ridden by any person, upon any of said streets, roads or highways is about to become frightened by the approach of any such automobile or vehicle, it shall be the duty of the person driving or conducting such automobile or vehicles to cause the same to come to a full stop, until such horse or horses have passed.

Punishment for violation of sections one and two.

§ 3. Any person or persons violating the provisions of the foregoing section one (1) or two (2) shall, upon conviction, be sentenced to pay a fine of not less than twenty-five (25) dollars nor more than two hundred (200) dollars, and may be confined in the

county jail not to exceed three (3) months, or both, in the discretion of the court.

Rule of evidence in damage cases.

§ 4. In any action brought to recover any damages, either to person or property, caused by running such automobiles or vehicles at a greater rate of speed than designated in section one (1), the plaintiff or plaintiffs shall be deemed to have made out a *prima facie* case, by showing the fact of such injury and that such person or persons driving such automobiles or vehicles was, at the time of the injury, running the same at a speed in excess of that mentioned in section one (1).

Repeal.

§ 5. All acts, and part (parts) of acts in conflict are hereby repealed.

Approved May 13, 1903.

INDIANA.

Motor vehicles defined.

SEC. 1. Be it enacted by the general assembly of the state of Indiana, that the words and phrases used in this act shall for the purpose of this act only be construed as follows: 1. "Motor vehicles" shall include all vehicles propelled by any power other than muscular power, excepting traction engines, road rollers and such motor vehicles as run only upon rails or track.

Speed regulations.

§ 2. That any person or persons operating a motor vehicle on any public highway or in any public place shall not operate the same at any rate of speed greater than is reasonable and proper, having regard to the use in common of such highway or place, or so as to endanger the life or limb of any person, and in no event shall such motor vehicle be operated at a greater rate of speed than eight (8) miles an hour in the business and closely built up portions of any municipality of this state, nor more than fifteen (15) miles an hour in other portions of such municipalities nor more than twenty (20) miles an hour outside such municipalities.

Ordinances as to speed.

§ 3. That any rate of speed provided for in section two (2) of this act shall not be diminished nor prohibited by any ordinance, rule or regulation of any municipality, board or other public authorities.

Motor equipment — signals.

§ 4. Any person or persons operating a motor vehicle shall at all times provide the same with a good and efficient brake and a suitable bell, horn or other signal, and shall upon approaching any person or persons riding, leading or driving a horse, horses, draft animals or other farm animals upon any public highway or

in any public place, signal such person or persons with said bell or horn, either upon overtaking or meeting any such person or persons, giving such person or persons a reasonable time to prepare for the passing of said motor vehicle.

Stop on signal — highway rules.

§ 5. That any person or persons operating a motor vehicle shall, upon meeting any person or persons riding, leading or driving a horse, horses or other draft animals or other farm animals on any public highway, upon request or signal by putting up the hand from any such person or persons so riding, leading or driving any horse, horses or other draft animals or other farm animals (if in sufficient light for such signal to be perceptible) immediately bring his motor vehicle to a stop and remain stationary so long as may be reasonable to allow such horse, horses or other draft animals or other farm animals to pass; and upon overtaking on any public highway any person or persons riding, leading or driving a horse, horses or other draft animals or other farm animals the operator of any motor vehicle when signalled as above provided shall reduce the speed of such motor vehicle and before passing shall allow reasonable time for such animal to be driven or conducted to the side of the road. Provided, that the driver of any horse, horses or other draft animals or other farm animals shall, upon the approach of any motor vehicle, drive to the right so as to give to said motor vehicle one-half of the traveled portion of the highway or street, and the operator of any motor vehicle, upon the approach of any driver of horse, horses or other draft animals or other farm animals, shall drive his motor vehicle to the right so as to give one-half of the traveled portion of the highway or street to the driver of said horse, horses or other animals.

Owner to register with secretary of state.

§ 6. That every owner of a motor vehicle shall, for every such vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered on a blank, to be prepared and furnished by such secretary for that purpose. The filing fee shall be one dollar (\$1.00); all of which fees to be paid into the general fund of the state treasury as other fees now collected by the secretary of state are required to be paid into the treasury.

Assignment of number.

§ 7. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book to be kept for that purpose and assign it a number, beginning with the number one (1) and so on in the order of filing.

Acquiring motor vehicle, registering.

§ 8. Every person acquiring a motor vehicle shall file a like statement with the secretary of state, and such secretary of state shall in like manner file such vehicle and assign it a number. If the vehicle has previously been registered such fact and number assigned it shall be set forth in the statement, and the previous registration shall be cancelled, but the number of such previous registration may be assigned under the new registration.

Metal seal, display on vehicle.

§ 9. The secretary of state shall forthwith on such registration and without other fee issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form and two (2) inches in diameter, and have stamped therein the words, "Registered in the office of secretary of state of Indiana under the Motor Vehicle Law, No. ——" with the registration number inserted therein, which seal shall thereafter at all times be conspicuously displayed on the motor vehicle to which such number has been assigned.

Display of number, style and size.

§ 10. Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such motor vehicle in such manner as to be plainly visible, the number to be Arabic numerals, each four inches in height, and each stroke to be of a width of one-half ($\frac{1}{2}$) inch, and also as a part of such number the first three (3) letters of the state name, such letters to be two (2) inches in height, and no other designating mark shall be required by any city, town or other municipality, nor shall any city, town or other municipality require the payment of any license upon any motor vehicle or by the owner thereof, unless such owner reside in such city, town or other municipality.

Registration by manufacturers or dealers.

§ 11. A manufacturer of, or a dealer in motor vehicles shall register one (1) of each style or type to be manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty (50) cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with sections six (6), eight (8) and ten (10) of this act until such vehicle shall be sold or let for hire. Nothing in this section shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for private use or for hire.

Non-residents.

§ 12. The provisions of section seven (7) to ten (10) inclusive, shall not apply to motor vehicles owned and operated by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners or in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as provided by section ten (10) of this act.

Penalties.

§ 13. If any person neglects or refuses to comply with any of the provisions of this act he may, on conviction thereof, before any justice of the peace or other court having jurisdiction, be punished by a fine not exceeding fifty dollars (\$50.00).

Repeal.

§ 14. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

IOWA.

Definitions.

SEC. 1. The words and phrases used in this act shall, for the purposes of this act only, be construed as follows: 1, "Motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing herein contained shall apply to traction engines or road rollers; 2, "closely built up portions" shall mean the territory of a city, town or village contiguous to a public highway devoted to business or where for not less than one-fourth ($\frac{1}{4}$) of a mile the dwelling houses on such highway average not more than one hundred (100) feet apart.

Owner's statement, filing fee.

§ 2. Every owner of a motor vehicle shall, for every such vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered, on a blank to be prepared and furnished by such secretary for that purpose. The filing fee shall be one (1) dollar.

Filing, registration and number.

§ 3. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book to be kept for that purpose, and assign it a number, beginning with the number one (1) and so on in the order of filing.

Re-registration.

§ 4. Every person acquiring a motor vehicle shall file a like statement with the secretary of state and such secretary of state shall, in like manner, file such statement, register such vehicle and assign it a number. If the vehicle has previously been registered, such fact and number assigned it shall be set forth in the statement, and the previous registration shall be cancelled; but the number of such previous registration may be assigned under the new registration.

Seal.

§ 5. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form, not over two (2) inches in diameter, and have stamped thereon the words "Registered in the office of the Secretary of State for the State of Iowa, under the Motor Vehicle Law, No. ——," with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle to which such number has been assigned.

Display of number.

§ 6. Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such motor vehicle in such a manner as to be plainly visible, the number to be in Arabic numerals, each not less than three (3) inches in height, and each stroke to be of a width not less than one-half ($\frac{1}{2}$) inch, and also as a part of such number the initial and terminal letters of the state's name, such letters to be not less than two (2) inches in height.

Non-residents exempted.

§ 7. The provisions of sections two (2) to five (5), inclusive, shall not apply to motor vehicles owned and operated by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initials of such state, territory or federal district shall be displayed on such vehicle substantially as provided by section six (6) of this act.

Speed rates.

§ 8. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or in any event in the closely built up portions of a city, town, or village, at a greater rate than one (1) mile in six (6) minutes, or elsewhere in a city, town or village at a greater rate than one (1) mile in four (4) minutes, or

elsewhere outside of the city, town or village at a greater average rate than twenty (20) miles per hour; subject, however, to the other provisions of this section. Upon approaching a crossing of intersecting public highways, or a bridge, or a sharp curve, or a steep descent, and also in traversing such crossing, curve, bridge or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed less than hereinbefore specified, and in no event greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Stopping on signal.

§ 9. Any person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding or driving a restive horse or other draft or domestic animals, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary, so long as may be reasonable to allow such horse or animals to pass, and if traveling in the same direction, use reasonable caution in passing such horse or animals, and the operator and occupants of any motor vehicle shall render necessary assistance to the party having in charge said horse or other draft animal so passing.

Brakes, bell and lamps.

§ 10. Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with a suitable bell, horn or other signal, and be so constructed as to exhibit, during the period from one (1) hour after sunset to one (1) hour before sunrise, one or more lamps showing white light visible within a reasonable distance in the direction toward which such vehicle is proceeding, and also a red light visible in the reverse direction.

Local ordinances prohibited and repealed.

§ 11. Cities and towns shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways or excluding or prohibiting any motor vehicle whose owner has complied with section two (2) or section four

(4) of this act from the free use of such highway, and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; provided that nothing in this act shall be construed as limiting the power of local authorities to make, enforce and maintain ordinances, rules or regulations, in addition to the provisions of this act, affecting motor vehicles which are offered to the public for hire.

Punishment for violations.

§ 12. The violation of any of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding twenty-five dollars (\$25.00) for the first offense and punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or imprisonment not exceeding thirty (30) days in the county jail for a second or subsequent offense.

Approved April 12, 1904.

KANSAS.

Definitions.

SEC. 1. That the term "automobile" and "motor vehicle" as used in this act shall be construed to include all types and grades of motor vehicles propelled by electricity, steam, gasoline or other source of energy, commonly known as automobiles, motor vehicles or horseless carriages, using the public highways and not running on rails or tracks. Nothing in this section shall be construed as in any way preventing, obstructing, impeding, embarrassing or in any manner or form infringing upon the prerogative of any political chauffeur to run an automobilious band-wagon at any rate he sees fit compatible with the safety of the occupants thereof; provided, however, that not less than ten nor more than twenty ropes be allowed at all times to trail behind this vehicle when in motion in order to permit those who have been so fortunate as to escape with their political lives an opportunity to be dragged to death; and provided further, that whenever a mangled and bleeding political corpse implores for mercy, the driver of the vehicle shall, in accordance with the provisions of this bill, "Throw out the life-line."

Laws in relation to traction engines distinguished.

§ 2. That this act shall in no case change or repeal in any particular the present laws relating to the operation and management of steam traction engines of any kind along the public highways, neither shall the present laws in relation to the management of steam traction engines have any application as to the management and use of automobiles or motor vehicles along the public highways of this state.

Bell, brakes and lamps.

§ 3. Every automobile or motor vehicle shall be provided with a suitable bell, horn, or other signal, and be equipped with good and efficient brakes. Every automobile or similar motor vehicle shall

be so constructed as to exhibit during the period from one hour after sunset to one hour before sunrise one or more lamps showing white lights, visible within a reasonable distance in the direction towards which the automobile is proceeding. The lamp or lamps shall be so placed as to be free from obstruction to light from other parts of said automobile or motor vehicle.

Speed must be reasonable.

§ 4. No person driving or in charge of an automobile or motor vehicle on any street, avenue, parkway or driveway or public highway in this state shall drive or operate the same at any speed at any time greater than is reasonable and proper having due regard to the traffic and use of the highway, or so as to endanger the life or limb of any person.

Special rates of speed.

§ 5. No automobile or other motor vehicle shall be run on any public highway outside the limits of the thickly settled or business part of any city or town at a speed exceeding twenty miles an hour, and no such vehicle shall be run on any public street or highway within the thickly settled or business part of any city or town at a speed exceeding ten miles an hour.

Duties upon meeting horses, et cetera.

§ 6. Every person having control or charge of a motor vehicle or automobile shall, whenever upon any public street or highway and approaching any vehicle drawn by a horse or horses, or any horse upon which any person is riding or driving domestic animals, operate, manage and control such motor vehicle or automobile in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses or domestic animals and to insure the safety and protection of any person riding or driving the same; and if such horse or horses or domestic animals appear restive and frightened, the person in control of such motor vehicle shall reduce the speed thereof, and if practicable turn to the right and give the road, and, if requested by signal or otherwise by the driver of such horse or horses or domestic animals, shall proceed no farther towards such animal or animals, but remain stationary so long as may be necessary to allow such horses

or domestic animals to pass. This provision shall apply to automobiles or motor vehicles going either in the same or in the opposite direction.

Speed at crossings.

§ 7. Upon approaching a crossing or intersecting ways, and also in traversing the crossing or intersection, the person in control of any automobile or motor vehicle shall run at a rate of speed less than that above specified, and not greater than is reasonable and proper, having regard to the traffic and the use of the intersecting ways.

Local ordinances.

§ 8. The cities of the first, second and third class of this state shall have power by local ordinance to regulate and control the use and speed of automobiles and motor vehicles within the limits of said cities and prescribe penalties for the violation thereof; such ordinances not to be inconsistent or repugnant with the provisions of this act.

Punishment for violations.

§ 9. Any person failing to comply with the requirements of this act or violating any of its provisions shall be guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be punished by a fine not exceeding one hundred dollars.

Repeal.

§ 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Takes effect.

§ 11. This act shall take effect and be in force from and after its publication in the official state paper.

KENTUCKY.

Speed must be reasonable.

SEC. 1. That no person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper at the time and place having regard to the traffic and use of the highway and its condition or so as to endanger the life or limb of any person, or in any event at a greater rate than fifteen miles an hour, subject however to the other provisions of this section.

Speed at crossings, bridges, et cetera.

§ 2. Upon approaching a crossing of intersecting public highways, or a bridge, or a sharp curve, or a steep descent, and also in traversing such crossing, bridge, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed no greater than six miles an hour, and in no event greater than is reasonable and proper, having regard for the traffic then on such highway and the safety of the public.

Regulations for meeting horses, et cetera.

§ 3. Upon approaching a person walking in the roadway of a public highway, or a horse or other draft animals, being ridden or driven thereon, a person operating a motor vehicle shall give warning of its approach by signaling with a horn, bell or other device not calculated to frighten such animal and use every reasonable precaution to insure the safety of such person or animal, and in case of horses or other draft animals, to prevent frightening the same, and at once reduce the speed at which such vehicle is being operated and hold same under control, and, if such horses or other draft animals appear frightened to not more than one-half the speed permitted by section two, and bring the same to a stop, if apparently necessary for the safety of such person or animal, having due regard to safety of passengers in such motor vehicle.

Stopping on signal.

§ 4. A person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding or driving

a restive horse or horses or other draft animals, bring such motor vehicle immediately to a stop, if necessary, having due regard for safety of persons, vehicles and animals, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animals to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided, that in case such horse or animal appears badly frightened or he is requested so to do, the person operating such motor vehicle shall, if apparently safer, cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident, and insure the safety of person, vehicles and animals.

Rules of the road.

§ 5. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals or any other vehicle the person so operating such motor vehicle shall reasonably turn the same to the right of the center of such highways so as to pass without interfering. Any such person so operating a motor vehicle shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person operating a motor vehicle shall, at intersection of public highways, keep to the right of the intersection of the center of such highway when turning to the right and pass to the left of such intersection when turning to the left.

Brakes, bell and lamps.

§ 6. Every motor vehicle, while in use on a public highway, shall be provided with good and efficient brakes, and also with a suitable bell, horn or other signal, and be so constructed as to exhibit, during the period necessary from or after sunset until not necessary before sunrise, a white light visible within a reasonable distance in the direction toward which the vehicle is proceeding, and red light in reverse direction, provided that in case of heavy fog, if necessary, such light shall be displayed in daytime before sunset and after sunrise.

Penalties for violation.

§ 7. Whoever shall violate the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than ten dollars nor more than one hundred dollars, and in addition thereto shall be liable in a civil action to any person injured in his person or damaged as to his property by the violation of the provisions of this act; and a lieu shall attach to the vehicle causing the injury or damage in favor of the person injured or damaged, upon the filing of the suit for damages.

Limitations of act, definitions.

§ 8. This act shall not apply to the operation or use of automobiles or other motor vehicles within incorporated cities or towns or to their use in the parks or parkways, of any such city or town, or connected with or controlled by such city or town; motor vehicles, as used in this act, includes all vehicles propelled by gasoline or other explosive vapor steam, electricity or other kindred power, but the provisions of this act do not apply to traction engines, road rollers, fire engines, nor to motor vehicles run upon rails or set tramways, or tracks.

MAINE.

Definitions.

SEC. 1. As used in this chapter, the word "way" includes all kinds of public ways. And the word "team" all kinds of conveyances on such ways for persons and for property.

Rules of road when two teams meet.

§ 2. When persons traveling with a team are approaching to meet on a way, they shall seasonably turn to the right of the middle of the traveled part of it, so far that they can pass each other without interference. When it is unsafe, or difficult on account of weight of load to do so, a person about to be met or overtaken, if requested, shall stop a reasonable time, at a convenient place, to enable the other to pass.

Stopping or turning on signal.

§ 3. When a person with a team is stationary, or traveling slowly on a way at a place unsafe or inconvenient for passing him with a team, he shall, if requested, drive to the right or left, or stop a reasonable time at a convenient place, to allow the other to pass.

Teams obstructing the way or without a driver.

§ 4. No person shall leave his team stationary on a way so as to obstruct the free passage of other teams; or allow his team to be on a way without a driver.

§ 5. [Not applicable to automobiles and therefore omitted.]

Damages for injuries through violations of preceding sections.

§ 6. Any person injured by violation of either of the previous sections, may recover damages in an action on the case, commenced within one year. Such violator forfeits not less than one, nor more than twenty dollars, to be recovered on complaint made within sixty days.

Speed regulations for automobiles.

§ 7. No automobile or motor vehicle shall be driven or operated upon any highway, town way, public street, avenue, driveway, park or parkway, at a greater rate of speed than fifteen miles an hour, or upon any highway, town way, public street, avenue, driveway, park or parkway, within the compact or built up portions of any city, town or village, the limits of which shall be fixed by the municipal officers thereof, at a greater rate of speed than eight miles an hour, except where such city or town may by ordinance or by-law permit a greater rate of speed.

Speed must be reasonable and proper, racing forbidden.

§ 8. No person driving or in charge of an automobile or motor vehicle on any highway, town way, public street, avenue, driveway, park or parkway, shall drive the same at any speed greater than is reasonable and proper, having regard to the traffic and use of the way by others, or so as to endanger the life or limb of any person; and racing any such vehicle on any such ways or parks is hereby forbidden.

Stopping automobile on signal.

§ 9. Every person driving or operating an automobile or motor vehicle shall, at request and signal by putting up the hand, or by other visible signal from a person riding or driving a horse or horses or other domestic animals, cause such vehicle to come to a stop as soon as possible and to remain stationary so long as may be necessary to allow such animal or animals to pass.

Bells and lamps.

§ 10. Every such automobile or motor vehicle shall have attached thereto a suitable bell or other appliance for giving notice of its approach, which, when rung or otherwise operated, may be heard at a distance of three hundred feet; and shall also carry a lighted lamp between one hour after sunset and one hour before sunrise.

Local ordinances at dangerous places.

§ 11. Municipal officers of any city or town may designate places on any streets or ways therein, where, in their judgment, by reason of cliffs, embankments or other exceptional natural conditions, the

meeting of automobiles or motor vehicles and horses would be attended with unusual danger. Such designation shall be made by causing the words "automobiles — go slow" to be conspicuously displayed on sign-boards at the right-hand side of each approach to the place to be designated, and not more than one hundred and fifty feet distant therefrom; and an automobile or motor vehicle, before meeting any horse between such limits, shall be brought to a standstill, and shall not proceed, unless by request of the rider or driver of the horse, until such horse shall have passed; and no such vehicle shall pass any place so designated at a greater speed than four miles an hour.

Penalty for violation of five preceding sections.

§ 12. Whoever violates any provision of the five preceding sections shall be punished by fine not exceeding fifty dollars, or by imprisonment not exceeding ten days.

Speed on crossing bridges, signs.

§ 13. No team shall travel faster than a walk on a bridge erected wholly or partly by the state, or on any bridge covered with plank and fifty feet long composing part of a way, or on any bridge owned by a corporation, if a board with the words "three dollars fine for riding or driving on this bridge faster than a walk," legibly painted in black letters on a white ground, is kept exposed in some conspicuous place at each end thereof.

Penalty for violation.

§ 14. Whoever wilfully violates the preceding section, forfeits three dollars, to be recovered on complaint made by any owner of said bridge, or by any municipal officer of the town in which it is located, to the owners of the bridge, or to the town required to keep it in repair; but no person passing after sunset and before sunrise is so liable without proof that he previously had knowledge of such prohibition.

Penalty if driver of public conveyance leaves it without fastening horses.

§ 15. If the driver of a team having passengers therein conveyed for hire, leaves it without any person in charge and without

fastening it securely, he may be fined not exceeding thirty dollars or imprisoned not exceeding one month.

§ 16. [Not applicable to automobiles and therefore omitted.]

Application for registration, recording, certificate and number plates.

§ 17. All automobiles and motor vehicles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the secretary of state upon blanks prepared under his authority. The application shall, in addition to such other particulars as may be required by said secretary, contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said secretary shall then register, in a book to be kept for the purpose, the automobile or motor vehicle described in the application, giving to such automobile or motor vehicle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant, and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor vehicle, and shall be in such form as the secretary may determine. The secretary of state shall also furnish the applicant two enameled iron plates containing the word "Maine" in letters not less than one inch in height and the number of registration in Arabic numerals not less than four inches in height. The number plates must be attached to the front and back of automobiles and one number plate must be attached to the back of motor cycles. On both automobiles and motor cycles the numbers must be so placed to be always plainly visible. A proper record of all applications and of all certificates issued shall be kept by the secretary of state in his office and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor vehicle

described therein. Upon the sale of any automobile or motor vehicle, its registration shall expire, and the vendor shall immediately return the certificate of registration to the secretary of state, with notice of sale, and of the name, place of residence and address of the vendee.

Manufacturers or dealers registration and certificates.

§ 18. Every manufacturer of or dealer in automobiles or motor vehicles may instead of registering each automobile or motor vehicle owned or controlled by him, make application upon a blank provided by said secretary of state for a general distinguishing number or mark, and said secretary may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form as said secretary of state may determine; and all automobiles and motor vehicles owned and controlled by such manufacturer or dealer, shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such license shall be ten dollars.

Licenses.

§ 19. Licenses for operating automobiles and motor vehicles shall be issued by the secretary of state. Application shall be made upon blanks prepared by the secretary of state for this purpose, and the licenses issued shall be in such form and shall contain such provisions as said secretary of state may determine. To such licensee shall be assigned some distinguishing number or mark, and a proper record of all applications for license and of all licenses issued shall be kept by the secretary of state at his office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the time, place of residence of the licensee and the distinguishing number or mark assigned to him. The fee for each license to operate shall be two dollars. All fees shall be deposited at the time of making the application. The secretary of state may at any time suspend or revoke any license for any violation of this act or regulation made thereunder. Before a license to operate is granted, the ap-

plicant shall present such evidence as to his qualifications as may be required by the secretary of state.

Unlicensed operators and vehicles prohibited.

§ 20. Except as otherwise provided herein no automobile or motor vehicle after the first day of June, nineteen hundred five, shall be operated upon any highway, town way, public street, avenue, driveway, park or parkway, unless registered as heretofore provided, and no person shall on or after the first day of June in the year nineteen hundred and five, operate an automobile or motor vehicle upon any highway, townway, public street, avenue, driveway, park or parkway, unless licensed to do so under the provisions of this act.

Non-resident owners exempted.

§ 21. Automobiles or motor vehicles owned by non-residents of this state and driven by a person licensed in this or in some other state may be operated on the roads and highways of this state unless prohibited by special law or town ordinance duly authorized by the legislature, subject, however, to the provisions of sections seven, eight, nine, ten, eleven and twelve, and provided that such person shall show in front and at the back of his automobile and at the back of his motor cycle the registration number granted him in such other state, and the name of the other state in Arabic letters at least one inch high. The provisions of this and the preceding sections shall not prevent the operating of automobiles by unlicensed persons if riding with or accompanied by a licensed operator.

Punishment for violation of five preceding sections.

§ 22. Whoever violates any provision of the five preceding sections shall be punished by fine not exceeding fifty dollars, or by imprisonment not exceeding ten days.

MARYLAND.

Purpose of act.

“An Act to repeal sections one hundred and thirty-one to one hundred and forty, both inclusive, of article fifty-six, of the Code of Public General Laws of Maryland, known as the Code of 1904, title ‘License,’ sub-title ‘Motor Vehicles,’ and re-enact the same with amendments, and add an additional section thereto, to be known as section one hundred and thirty-nine-a, such additional section to follow section one hundred and thirty-nine, of said article.”

Scope of act.

SEC. 1. Be it enacted by the general assembly of Maryland, that sections one hundred and thirty-one to one hundred and forty, both inclusive, of article fifty-six, of the Code of Public General Laws of Maryland, known as the Code of 1904, title “License,” sub-title “Motor Vehicles,” be and the same are hereby repealed and re-enacted, and that additional section to be known as section one hundred and thirty-nine-a, is hereby enacted, the same to follow section one hundred and thirty-nine, the whole to read as follows:

Sworn application, registration fee, certificate.

§ 131. Every resident of this state, who is the owner of a motor vehicle, and every non-resident owner whose motor vehicle shall be driven in this state, except as herein otherwise provided, shall file in the office of the secretary of state at Annapolis, a declaration duly verified by affidavit made before a notary public, of this or any other state, that such owner, or the person who is to operate the same, is competent to drive the motor vehicle for which application for license is made, and a written statement containing the name and address of such owner, together with a brief description of the character of such motor vehicle including the name and maker, and the manufacturer’s number of the motor vehicle,

if number there be, and the rated horse-power of such motor vehicle, and shall pay to the secretary of state a registration fee of three dollars for each motor vehicle, one dollar of which fee shall be retained by the secretary of state for his services in issuing the license, and the remaining two dollars shall be paid to the state treasurer for the use of the state road fund. The secretary of state shall issue for each motor vehicle so registered, a certificate, properly numbered, stating that such motor vehicle, is registered in accordance with this section, and shall cause the name of the owner, with his address, the number of his certificate, and a description of such motor vehicle or motor vehicles to be entered in alphabetical order of the owner's name in a book to be kept for such purpose; this section not to apply to manufacturers of motor vehicles except as to vehicles kept by such manufacturers for private use or for hire.

Registration number, display of, penalties for violation.

§ 132. The owners of each and every motor vehicle and every other person driving the same upon the public streets, public roads, turnpike, parks, highways, public driveways or other public highways in this state, shall have the registration number issued as aforesaid by the secretary of state, upon the back and front of every such motor vehicle fixed stationary in a conspicuous place, so as to be plainly visible at all times during daylight, such numbers to be separate Arabic numerals not less than three inches in height, the strokes to be of a width not less than three-eighths of an inch, such numbers to be of white letters on a black ground and such owner shall not be required to place any other marks of identity upon such motor vehicle. Provided, however, that in the event of the sale of the motor vehicle, or letting for hire of the same, the purchaser or person hiring the same may for a period of five days ensuing the delivery or hiring to him of such vehicle, including in such computation the day of delivery, operate such vehicle under the number of the previous owner or letter; provided he have and display on demand the actual consent in writing of such previous owner or letter so to do. Upon the expiration of such period of five days the right to continue the use of such number shall absolutely cease and terminate, and its use after such period shall be regarded as the displaying of a fictitious number within the meaning of this section. Any person driving a motor

vehicle in this state, the owner of which shall not have complied with the provisions of this sub-title, or which motor vehicle shall display a fictitious number, the same being a number other than that designated for such motor vehicle by the secretary of state, shall, upon conviction, be fined in a sum not exceeding fifty dollars, and, in default of payment thereof, be punished by imprisonment in the county or city jail, as the case may be, for a period not exceeding thirty days; no number other than the Maryland state number shall be carried upon the front and back of the said motor vehicle while operated or used on any of the public highways of this state aforesaid, provided that residents of the District of Columbia shall not be required to remove the District number or tag when coming into Maryland, if such tag contains the initials D. C. in plain letters not less than one-half inch in height after such District license number, and provided, also, that where it clearly appears that the registration number has been lost by accident no penalty shall be imposed. Every operator of a motor vehicle shall give the name of the owner or the name and residence of the person hiring the motor vehicle if the said motor vehicle be a hired machine and the registration number of such vehicle when so requested by the keeper of a toll-gate. The managers or owners of all toll-roads shall after dark suspend a red lantern over the roadway when the gate is down.

Lamps, brakes and bell.

§ 133. Every motor vehicle shall carry during the period from one hour after sunset to one hour before sunrise, at least two lighted lamps, showing white lights, visible at least two hundred feet in the direction to which such motor vehicle is proceeding and shall also exhibit at least one red light visible in the reverse direction; upon the fronts of the two aforesaid lamps showing white lights, shall be displayed in such manner as to be plainly visible when said lamps are lighted, the number of the license issued as aforesaid by the secretary of state, the same to be in separate Arabic numerals in lines that are not less than two inches in height. Every motor vehicle shall also be provided with good and efficient brakes, and shall also be provided with suitable bell, horn or other signal device; provided, however, that the user of such motor vehicle may proceed to his destination in event of a bona fide failure of his lights to operate, if he sounds his bell,

horn, or other signal device at least once in every two hundred feet, does not proceed at a rate of speed greater than one mile in ten minutes, and takes the first reasonable opportunity to put his lights in order, otherwise such operator to be deemed guilty of a violation of the foregoing provision.

Speed rates.

§ 134. The following rates of speed may be maintained, but shall not be exceeded, upon any public street, public road or turnpike, public park or parkway, public drive way or public highway in this state by anyone driving a motor vehicle: (1) A speed of one mile in ten minutes upon the sharp curves of a highway and at the intersection of prominent cross roads where such road or highway passes through the open country. (2) A speed of one mile in ten minutes where such street or highway passes through the built-up portion of a city, town or village; except cities of 16,000 inhabitants or over, elsewhere except as otherwise provided in this sub-title a speed of one mile in five minutes; provided, however, that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb, or to injure the property of any person; and it is further provided that nothing in this section contained shall affect the right of any person injured in his person or property by the negligent operation of a motor vehicle to sue and recover damages as heretofore.

Duties upon meeting or overtaking horses, et cetera.

§ 135. Upon approaching a person walking in the roadway of a public highway, or a horse or other draft animal being ridden, led or driven thereon, a person operating a motor vehicle, shall give reasonable warning of its approach by signalling with a horn or other device, and shall reduce the speed of such vehicle to a speed not exceeding one mile in ten minutes, while near to and passing such animals so ridden, led or driven as aforesaid, and it shall be the duty of the person so riding, leading or driving such horse or other animal when approached from the rear, as soon as practicable, to turn to the right of the centre of the roadway, leaving a clear open space for such motor vehicle to pass. If such horse or other draft animal shall appear frightened at the approach

of such motor vehicle, whether approaching from the front or rear, or if the person in charge of such animal shall signal by raising his hand, the person in charge of such motor vehicle, if going toward such horse from an opposite direction, shall guide the motor vehicle as far as practicable to the side of the roadway, and bring the same to a stop, and remain standing until the person in charge of such horse or other animal can drive or alight, and lead his horse by, or, if going in the same direction, shall reduce the speed of such motor vehicle and bring the same to a stop until such person in charge of such horse or other draft animal shall have had reasonable time to alight, if desired, and take hold of such horse or other draft animal, or otherwise control the same. In meeting or overtaking horses or other draft animals ridden or driven by ladies or children unattended by a man, it shall be the duty of the person in charge of a motor vehicle to use every reasonable precaution to avoid frightening such horse or other animal, and if requested so to do, to stop such motor vehicle, alight therefrom, and lead such horse or other animal by such motor vehicle, and take such other precaution as may be necessary to avoid accident. The horn or other signal device shall be used only for the purpose of giving a signal of approach, and shall not be sounded while passing a horse or other draft animal. The horn or other signal device shall also be sounded in approaching sharp curves, intersecting highways and the tops of hills, when driving in the open country. In passing a horse or other draft animal left unattended by the roadside, whether hitched or unhitched, and whether in a city, town or village, or in the open country, the person in charge of a motor vehicle shall reduce the speed thereof to a mile in ten minutes, and upon any sign of the horse or horses being frightened, shall immediately stop and give notice of his approach by a blast of his horn or other signal device, and remain standing until the owner or driver of such horse or horses can get hold of or control same.

Speed tests may be permitted.

§ 136. The board of county commissioners, or other proper local authorities having charge of the roads and highways (in Baltimore city, the board of police commissioners,) may in their discretion, notwithstanding the other provisions of this sub-title, set aside for a given time a specified public highway or highways for

speed, tests or contests, to be conducted under proper restrictions for the safety and convenience of the public.

Racing without permission forbidden.

§ 137. Any person driving a motor vehicle upon any of the public highways of this state in an organized race (except as in this act otherwise provided) or on a bet or wager, shall upon conviction, be fined in a sum not exceeding one hundred dollars and in default of payment thereof, be punished by imprisonment in the county or city jail, as the case may be, for a period not exceeding thirty days, the words "organized race" as used in this section not to be taken to embrace a casual brush on the public highways, which, however, is hereby prohibited and is to be deemed punishable, when on a highway where persons are driving, as a violation of the section prohibiting a greater speed than is reasonable, and when otherwise and the speed exceeds twelve miles an hour, as a violation of sub-title three of section one hundred and thirty-four of this act.

Safety devices when machine is unattended, penalties for neglect of same, protection of machine and driver.

§ 138. No person operating any steam or electric motor vehicle in this state shall allow the same to stand unattended on or by any road, street or other highway, without securely locking the lever or other device by which the same is started, or taking other reasonable precautions to prevent such vehicle being started by unauthorized persons; and no person operating any gasoline motor vehicle shall leave the same unattended as aforesaid without first stopping the motor and cutting off the electric current. The penalty for a violation of the aforesaid provision shall be a fine not less than ten dollars. Any person who shall, without authority of the person in charge thereof, climb upon or in any automobile, whether while the same is in motion or at rest, or hurl stones or other missiles at the same, or at the occupants thereof, or who shall, while such motor vehicle is at rest and unattended, sound the horn or other signalling device, or attempt to manipulate any of the levers, the starting crank, brakes or machinery thereof, or set said vehicle in motion, or otherwise damage or interfere with the same, shall be deemed guilty of a misdemeanor, and upon conviction, be fined in a sum not exceeding fifty dol-

lars, and in default of payment of the fine so imposed shall be imprisoned in jail or other proper place of detention, for a period not exceeding sixty days.

Punishments for specific violations.

§ 139. Any person violating the provisions of this sub-title shall, except as otherwise provided herein, upon conviction be fined in a sum not exceeding the amounts hereinafter respectively set forth: For a violation of section one hundred and thirty-one, fifty dollars; for a violation of section one hundred and thirty-two, twenty dollars; for a violation of section one hundred and thirty-three, twenty dollars; for a violation of section one hundred and thirty-four, subdivision one, twenty-five dollars; for a violation of section one hundred and thirty-four, subdivision two, twenty-five dollars; for a violation of section one hundred and thirty-four, subdivision three, fifty dollars; for a violation of section one hundred and thirty-five, fifty dollars. In default of the payment of any of the above fines, there shall be imposed an imprisonment in the county or city jail, as the case may be, for a period not exceeding thirty days, provided that any offender who shall have been found guilty of any violation of this sub-title and sentenced therefor, and who shall be convicted of a second offence of the same violation, may for such second offence be fined in double the amount herein prescribed for the first offence, and in default of payment of such fine, may be imprisoned in jail as aforesaid for a period not exceeding three months. In the case of any operator of a motor vehicle arrested for a violation of any of the provisions of this sub-title, and who in addition thereto is charged on oath with being an habitually reckless driver or with driving habitually in excess of speed limits of this sub-title prescribed, or with habitually driving in disregard of other provisions of this sub-title, the magistrate before whom such charge is preferred, shall transmit the papers in such case to court, accepting bail or committing in default thereof as in other cases, and upon the persons so charged being convicted of the charge so preferred as aforesaid, and if the court be satisfied that such person has been an habitually reckless driver, or has habitually driven in excess of the speed limits herein prescribed, or in habitual disregard of other provisions of this sub-title, such court may in its discretion sentence the person so convicted to imprisonment in the county or city

jail, as the case may be, for a term not exceeding sixty days, in addition to imposing the fine prescribed. Any person charged with the violation of any of the provisions of this sub-title, and being convicted thereof before any committing magistrate or justice of the peace of this state, shall have the right to appeal from the judgment of such magistrate to the criminal court of Baltimore city, if convicted in Baltimore city, or court of criminal jurisdiction of any county in which he may be so convicted, and such court on such appeal shall hear the case *de novo*; provided, however, that such appeal be taken within thirty days from the date of judgment. All fines imposed for violations of the provisions of this sub-title shall be turned over to the proper authorities of the city or counties to be used for street or road improvements, and no part of any such fines shall go to the informer. In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this sub-title, he shall be forthwith taken before the nearest justice of the peace or police justice or court, and be entitled to an immediate hearing and if such hearing cannot then be had, be released from custody on giving his personal recognizance to appear and answer for such violation at such time and place as shall then be ordered, secured by the deposit of a sum equal to the maximum fine for the offence with which he is charged, or in lieu thereof, by leaving the motor vehicle owned by such person, with or in the custody of such justice of the peace, police justice or clerk of such police court, or, in case such justice of the peace or police justice is not accessible, be forthwith released from custody, on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offence for which such arrest is made, or in lieu thereof, by leaving the motor vehicle owned by such person with such officer, provided, that in such case, the officer making such arrest shall give a receipt in writing for such sum or vehicle, and by indorsements on such receipt notify such person to appear before the nearest justice of the peace or police justice or court on the following day, naming him or it, and specifying the place and hour. In case security shall be deposited, as in this section provided, it shall be returned to the person depositing the same forthwith on such person being admitted to bail, on the surrender of the receipt or voucher given at the time to such person. If a motor vehicle shall be deposited

as security as aforesaid, and the owner thereof so elect and pay the expense thereof, the same shall be taken to the nearest garage or other place where the same can be properly kept and protected, and there left subject to the order of the officer or justice in whose custody it was left as aforesaid. Any officer or other person using or operating any motor vehicle so left in custody as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars, or in default thereof be imprisoned for a period not exceeding sixty days. If the person depositing such security as aforesaid shall fail to appear before the magistrate or court at the time specified, the amount deposited by him may be declared forfeited, and be disposed of as money deposited for bail in other cases, or the motor vehicle so left as security may be sold at public auction after ten days' notice to the owner at the address given, and by hand-bills publicly posted, such sale to be by order of the justice of the peace or police justice or court, and from the amount realized upon such sale, a sum equal to the maximum fine for the offense charged, shall be disposed of in like manner as though such sums had been deposited as aforesaid, and the surplus, if any, after deducting all expenses incurred in keeping, or the sale of such motor vehicle, be returned to such owner on demand.

Chauffeurs, duties, registration, fee, badge, et cetera.

§ 139-a. The word "chauffeur" as used in this section shall mean any person operating a motor vehicle as mechanic, employee or for hire, except employees of manufacturers testing uncompleted automobiles. Every person hereafter desiring to operate a motor vehicle as a chauffeur, shall file in the office of secretary of state, on a blank to be supplied by such secretary, a statement duly verified by affidavit, including his name and address, and the trade name and motive power of the motor vehicle or vehicles he is able to operate, and shall pay a registration fee of two dollars, one dollar of which fee shall be retained by the secretary of state for his services in issuing the license and for furnishing the said chauffeur with a badge, and the remaining one dollar shall be paid to the state treasurer for the use of the state road fund. The secretary of state shall thereupon file such statement in his office, register such chauffeur in a book to be kept for the purpose, properly indexed and assign such chauffeur a distinguishing regis-

tration number. The secretary of state shall forthwith upon such registration, and without further fee, issue and cause to be delivered to such chauffeur, a badge of aluminum or other suitable metal, which shall be oval in form, and the greater diameter of which shall not be more than two inches, having stamped thereon the words " Registered Chauffeur, No. ——, Maryland," with registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways. No chauffeur, having registered as hereinabove provided, shall knowingly permit any other person to wear his badge, nor shall any other person, while operating a motor vehicle, wear any badge belonging to another person, or badge bearing a fictitious number. No person shall knowingly employ any person to operate a motor vehicle as a chauffeur unless the person so employed has complied with the provisions of this section, and no person shall operate a motor vehicle, as a chauffeur, upon the public highways, after thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this section. No chauffeur or other person shall drive or operate any motor vehicle upon any street or highway in the absence of the owner of such motor vehicle without his consent. No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take, directly or indirectly, any bonus, discount or other consideration on supplies or parts furnished or purchased for such motor vehicle, or on work or labor done thereon by others; and no person furnishing such supplies or parts, work or labor, shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner, directly or indirectly, any bonus, discount or other consideration thereon. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding one hundred dollars, or be imprisoned in the city or county jail for a period not exceeding sixty days. Chauffeurs, while operating motor vehicles on the public highways of this state shall be subject to all the provisions and penalties in this sub-title provided, relating to violations of the provisions of this sub-title, and upon conviction of a second offence or of any offence in this sub-title prohibited, the justice of the peace or other judicial officer imposing sentence may revoke

such chauffeur's license for a period not exceeding three months in addition to imposing the penalty prescribed, such judicial officer to retain such chauffeur's badge until the expiration of the period for which his license may be revoked. Upon conviction of a chauffeur in a criminal court, and his being found by the court to be an habitual offender, as in section one hundred and thirty-nine of this sub-title provided, the court may in its discretion revoke such chauffeur's license absolutely; in which event such chauffeur's badge shall be returned to the secretary of state, and the person to whom such badge was so issued shall not be permitted or entitled to register again for a period of one year from the date of such conviction.

Definition of term motor vehicle.

§ 140. Whenever the term motor vehicle is used in this subtitle, it shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power and having more than two wheels, but shall not be taken to include the cars of electric and steam railways and other vehicles running only upon rails or tracks, road or traction engines, bicycles, tricycles or other similar vehicles propelled exclusively by muscular power, or motor cycles, except as to the speed herein prescribed.

Inconsistent acts repealed.

§ 2. And be it enacted, that all acts and parts of acts inconsistent herewith or contrary hereto are hereby repealed to the extent of such inconsistency.

Former licenses remain in effect.

§ 3. And be it enacted, that all licenses to operate motor vehicles in this state heretofore issued by the secretary of state, shall remain in full force and effect and shall not be in anywise affected by the provisions of this act.

Takes effect.

§ 4. And be it enacted, that this act shall take effect from the date of its passage.

Approved April 3, 1906.

MASSACHUSETTS.

INFORMATION RELATING TO THE REGISTRATION OF AUTOMOBILES AND MOTOR CYCLES, AND LICENSES TO OPERATE.

Registration and license defined.

SEC. 1. In the Automobile Law the term "registration" has reference to a vehicle. The term "license" has reference to the operator. Machines are not "licensed"—they are "registered." The operator, not the vehicle, is "licensed."

Applications for registration and for licenses.

§ 2. All applications for the registration of automobiles or motor cycles, and for the licensing of operators thereof, must be made upon the printed forms adopted by the Massachusetts highway commission, which will be sent upon request.

Filling of blanks.

§ 3. The blanks must all be filled so far as possible; the applications and the signatures must be plainly written.

Fees, et cetera.

§ 4. The fees prescribed by law must, in all cases, be mailed or deposited with the applications. All checks or money orders must be made payable to the Massachusetts Highway Commission.

Postage to be prepaid.

§ 5. Full postage must be paid on all documents sent to the commission. No letters with "due stamps" thereon will be received.

Number plates.

§ 6. For the sake of uniformity the commission furnishes register number plates (two) for each automobile which is registered. No charge is made for the plates, but express charges

thereon are paid by the receiver. These numbers are on enameled iron plates, in Arabic numerals four inches in height, as prescribed by law. The figures are in white on a dark blue background, and each plate has on it the words "Mass. Automobile Register" in small letters, with the register number below. The number plates must be attached to the front and back of automobiles. On motor cycles the register number must be painted as prescribed in the certificate of registration. On both automobiles and motor cycles the numbers must be so placed as to be always plainly visible.

Number plates of private design, et cetera.

The use of number plates of private design is not permitted except that if a number plate is lost, a written license to use such a plate of private design for a limited period may be had upon application to the commission.

Lamps, et cetera.

§ 7. The certificates of registration provide that automobiles shall have a lamp on each side and that motor cycles shall have one lamp in front. The lamps are to show white lights which shall be visible for a distance of at least two hundred feet in front of the vehicles. The register number is to be placed on the sides or on the fronts of the lamps. The number is to be composed of Arabic numerals at least one inch in height, and these are to be plainly visible when the lamps are lighted. It is not necessary that the lamps shall be on the motor vehicles, except at such times as they are by law required to be lighted.

Licenses to operate, et cetera.

§ 8. Registration of a motor vehicle by the owner or person in control thereof does not give such person the right to operate the machine upon a highway. Each person who operates a motor vehicle must have an operator's license.

Operators for hire, et cetera.

A licensed person may operate any registered machine. To operate for hire, however, a special (professional chauffeur's) license is necessary. Operators for hire will be furnished with a badge which is to be worn as specified in the license.

Expiration of operator's license.

A private operator's license does not expire yearly.² It continues in force indefinitely, unless suspended or revoked for cause. A professional chauffeur's license expires one year from the time it is issued.

Fees, amount of, et cetera.

§ 9. The registration fee for each machine is two dollars. The license fee is two dollars. The amount to be paid, therefore, by a person who registers one vehicle and takes out a private operator's license is four dollars. The fee for a renewal of a professional chauffeur's license, after May twentieth, nineteen hundred and five, will be fifty cents.

When ownership of a motor vehicle is transferred, the vehicle must be registered by new owner, et cetera.

§ 10. The registration of a motor vehicle continues in force until the machine is sold or its ownership is otherwise transferred. Each time the ownership of a motor vehicle is transferred, registration by the new owner or person in control thereof is necessary if the machine is to be operated on the highways. Registration certificates are not transferable, nor may number plates be transferred from one machine to another. When, however, a motor vehicle is sold, or its ownership is transferred, the use thereafter of the number plates previously assigned to it is not permitted on any other vehicle except by the person to whom they were originally assigned, and then only after the payment of the regular registration fee and the issuance of a new certificate. If the ownership of a motor vehicle which has been registered is changed the vehicle will not be again registered under its former number, and the new owner may not operate it under its former number.

Manufacturers' and dealers' certificate of registration.

§ 11. Applications for certificates of registration for manufacturers of or dealers in motor vehicles must be in the name of some person duly authorized to represent the concern. A special form has been prepared for applications of this nature, as well as a special form of certificate of registration. Manufacturers and dealers will be required to take out a separate certificate of registration for each branch establishment which they have in Massa-

chusetts. The fee for each certificate of registration of a manufacturer or dealer is ten dollars.

Changes in automobile law.

§ 12. After May twentieth, nineteen hundred and five, certain changes in the present law take effect. Applicants for certificates of registration and for operator's licenses, and others interested, are urged to read carefully the laws relating to automobiles and their operation printed in the pages following. Attention is also called to the changes in the "speed" provision as stated in chapter three hundred and sixty-six of the acts of nineteen hundred and five, which will be in effect after June third, nineteen hundred and five, also hereinafter printed.

Acts of 1903, Chapter 473.

[As amended by chapters 311 and 366 of the Acts of the year 1905.]

AN ACT TO PROVIDE FOR REGISTERING AUTOMOBILES AND MOTOR CYCLES AND FOR LICENSING OPERATORS THEREOF.

Be it enacted, et cetera, as follows:

Registration of automobiles and motor cycles.

SEC. 1. All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the Massachusetts highway commission or any agent thereof designated for this purpose, upon blanks prepared under its authority. The application shall, in addition to such other particulars as may be required by said commission, contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration

fee of two dollars. The said commission or its duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such automobile or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor cycle, and shall be in such form and contain such further provisions as the commission may determine. A proper record of all applications and of all certificates issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor cycle described therein. Upon the transfer of ownership of any automobile or motor cycle its registration shall expire and the person in whose name such vehicle is registered shall immediately return the certificate of registration to the Massachusetts highway commission with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. The Massachusetts highway commission, at its discretion, may assign to any person who so surrenders his registration certificate and who desires to register another automobile or motor cycle the distinguishing number or mark described in the surrendered certificate. No number or number plate other than those prescribed by the Massachusetts highway commission in its certificates of registration shall be displayed on any automobile or motor cycle operated in this commonwealth: *provided, however,* that any automobile or motor cycle owned by a non-resident of this state who has complied with the laws relative to motor vehicles and the operation thereof of the state in which he resides may be operated by such owner on the roads and highways of this state for a period not exceeding fifteen days without the license, certificate of registration and number plates furnished by the Massachusetts highway commission. Every such vehicle shall have displayed upon it the distinguishing number or mark of the state in which the owner thereof resides and none other until the vehicle is registered in accordance with the provisions of this section.

Distinguishing numbers or marks may be issued to manufacturers and dealers, et cetera.

§ 2. Every manufacturer of or dealer in automobiles or motor cycles may, instead of registering each automobile or motor cycle owned or controlled by him, make application upon a blank provided by said commission for a general distinguishing number or mark, and said commission may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said commission may determine; and all automobiles and motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such certificate of registration shall be ten dollars.

Operating of unregistered automobiles or motor cycles on public highways, et cetera, after September 1, 1903, prohibited, except, et cetera.

§ 3. Except as otherwise provided herein, no automobile or motor cycle shall, after the first day of September in the year nineteen hundred and three, be operated upon any public highway or private way laid out under authority of statute, unless registered as above provided, and the registered number or mark of every automobile and motor cycle operated as aforesaid shall at all times plainly be displayed thereon in Arabic numerals not less than four inches long, and conforming in this and other details to the requirements prescribed by the highway commission in its certificate of registration.

Licenses to be issued by the Massachusetts highway commission, et cetera.

§ 4. Licenses for operating automobiles and motor cycles shall be issued by the Massachusetts highway commission or duly authorized agents thereof. Application shall be made upon blanks prepared by the commission for this purpose, and the licenses

issued shall be in such form and shall contain such provisions as said commission may determine. To each licensee shall be assigned some distinguishing number or mark, and a proper record of all applications for license and of all licenses issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place of residence and address of the licensee and the distinguishing number or mark assigned to him. Special licenses for operating automobiles or motor cycles for hire shall be issued by the commission, but no such license shall be issued until the commission or its authorized agent shall have satisfied itself or himself that the applicant is a proper person to receive it. Such licenses shall be granted for one year only. The fee for each original license to operate shall be two dollars, and the fee for the renewal of each license to operate for hire shall be fifty cents. All fees shall be deposited at the time of making the application. The commission may at any time suspend or revoke any license for any misconduct of the licensee. Before a license to operate is granted, the applicant shall pass such examination as to his qualifications as may be required by the state highway commission. The provisions of this section shall not prevent the operation of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator. The operator's license shall always be carried by the licensee when he is operating an automobile or motor cycle.

Operating by unlicensed persons prohibited, et cetera.

§ 5. Except as hereinafter provided, no person shall, on or after the first day of September in the year nineteen hundred and three, operate an automobile or motor cycle upon any public highway or private way laid out under authority of statute, unless licensed so to do under the provisions of this act. No person shall operate an automobile or motor cycle for hire, unless specially licensed by the commission so to do. No person shall employ for hire as chauffeur or operator of an automobile or motor cycle any person not specially licensed as aforesaid, and every chauffeur or operator for hire shall, while so acting, display the distinguishing number or mark assigned to him, in such manner as may be prescribed by the commission.

§ 6. (Repealed by Acts of 1905, chapter 311.)

Persons having charge of automobiles or motor cycles to use certain precaution.

§ 7. Every person having control or charge of an automobile or motor cycle shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses, or approaching any horse upon which any person is riding, operate, manage and control such automobile or motor cycle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse or horses, and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear to be frightened, the person in control of such automobile or motor cycle shall reduce its speed, and if requested by signal or otherwise by the rider or driver of such horse or horses shall not proceed farther towards such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver, and in case of extreme fright shall reduce the motive power to a full stop.

Speed limit (see Acts of 1905, chapter 366, section 1).

§ 8. No automobile or motor cycle shall be run on any public way or private way laid out under the authority of statute outside the limits of a city or the thickly settled or business part of a town or fire district at a speed exceeding fifteen miles an hour, or within a city or the thickly settled or business part of a town or fire district at a speed exceeding ten miles an hour. Upon approaching a crossing of intersecting ways, also in traversing a crossing or intersection, and in going around a corner or a curve in the highway every person operating an automobile or motor cycle shall run it at a rate of speed less than that hereinbefore specified and at no time greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public, and in no event exceeding eight miles an hour.

Penalties.

§ 9. The commission may, after due hearing, suspend or revoke a certificate issued under section one of this act, or the license or certificate issued to any person under sections two and four of

this act, for any cause which it may deem sufficient; and any person convicted of violating any provision of this act may be punished by a fine not exceeding twenty-five dollars for a first offence, and not exceeding fifty dollars for a second offence, and not exceeding one hundred dollars for subsequent offences committed during each calendar year; and the penalties imposed for violations of any provision of this act for any calendar year shall be imposed without regard to violations thereof committed in any previous calendar year. Any person convicted of operating an automobile or motor cycle in this commonwealth after his license to operate has been suspended or revoked, and any person convicted of operating or causing or permitting any other person to operate an automobile or motor cycle after the certificate of registration for such vehicle has been suspended or revoked, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term of ten days, or by both such fine and imprisonment.

To be provided with brake, bell, light, et cetera.

§ 10. Every automobile or motor cycle operated in this commonwealth shall be provided with an adequate brake, with a muffler, and with a suitable bell, horn or other means of signalling, and shall, during the period from one hour after sunset to one hour before sunrise, display lights, with the registered number or mark thereon, of such size as may be prescribed by the highway commission.

To be provided with lock, et cetera.

§ 11. Every automobile or motor cycle shall be provided with a lock, key or other device to prevent said vehicle from being set in motion, and no person shall allow any such vehicle operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway or other public place without first locking or making fast the vehicle as above provided.

Fees to be paid into treasury monthly.

§ 12. The fees received under the provisions of this act shall be paid monthly by the secretary of the highway commission into the treasury of the commonwealth; and such expenses as may be

necessary in carrying out the provisions of this act shall be paid out of the treasury of the commonwealth.

Terms defined.

§ 13. The terms automobile and motor cycle as used in this act shall include all vehicles propelled by power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks, and steam road rollers.

§ 14. (Repealed by Acts of 1905, chapter 366.)

§ 15. Chapter three hundred and fifteen of the acts of the year nineteen hundred and two is hereby repealed.

§ 16. Except as otherwise provided herein, this act shall take effect upon its passage.

Acts of 1903, chapter 473, approved June 26, 1903.

Acts of 1905, chapter 311, approved April 20, 1905.

Acts of 1905, chapter 366, approved May 4, 1905.

Acts of 1905, Chapter 311 (in part).

AN ACT RELATIVE TO THE REGISTRATION OF AUTOMOBILES AND MOTOR CYCLES AND TO THE LICENSING OF THE OPERATORS THEREOF.

Be it enacted, et cetera, as follows:

Massachusetts highway commission, et cetera, may administer oaths and take testimony; persons swearing falsely, et cetera, guilty of perjury.

SEC. 1. In the administration of the law providing for registering automobiles and motor cycles and for licensing operators thereof, any member of the Massachusetts highway commission, or its secretary, may administer oaths and take testimony; and any person who wilfully swears or affirms falsely in regard to any matter or thing respecting which such oath or affirmation is required by said commission shall be deemed guilty of perjury.

Certain records to be kept by courts, et cetera.

§ 6. A full record shall be kept by every court or trial justice in this commonwealth of every case in which a person is con-

victed under the provisions of said chapter four hundred and seventy-three or of any other act relative to automobiles or motor cycles, and a certified copy of such record shall be sent forthwith by the court or trial justice to the Massachusetts highway commission. Said courts and trial justices shall furnish to the Massachusetts highway commission the details of any particularly flagrant cases which may be heard before them, and they may make such recommendations to said commission as to the suspension or revocation of the license or certificate of registration of the persons defendant in such cases as they may deem necessary. Said commission shall keep such records in its main office, and they shall be open to the inspection of any person during reasonable business hours.

§ 7. Section six of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby repealed.

Approved April 20, 1905.

Acts of 1905, Chapter 366.

AN ACT RELATIVE TO THE SPEED AT WHICH AUTOMOBILES AND MOTOR CYCLES MAY BE OPERATED ON PUBLIC WAYS.

Be it enacted, et cetera, as follows:

City councils, et cetera, and selectmen may make special speed regulations, et cetera.

SEC. 1. The city council of a city or the board of aldermen of a city having no common council, and the selectmen of a town, may make special regulations as to the speed of automobiles and motor cycles and as to the use of such vehicles on particular roads or ways, including their complete exclusion therefrom. If they determine that on any particular way a speed greater than the speeds specified in section eight of chapter four hundred and seventy-three of the acts of nineteen hundred and three may be permitted with safety, they may make such special regulations as may appear to them to be necessary; *provided, however,* that no such special regulation increasing or lessening the speed at which automobiles and motor cycles may be run on the public highways, or excluding them therefrom, shall be effective unless such regulation shall have been published in one or more newspapers, if there be any,

published in such city or town, otherwise in one or more newspapers published in the county in which the city or town is situated. If, within fifteen days after the publication of such notice, not less than fifty residents of Massachusetts, at least ten of whom shall be taxpayers of the city or town, file a written protest with the Massachusetts highway commission, such special regulation shall not be valid until approved by said board after public notice and a hearing given by said board in the city or town. Such special regulations shall be posted conspicuously by or under the direction of the Massachusetts highway commission on sign boards at such points as the board may deem necessary. The cost of such sign boards and the expenses in connection with their erection and maintenance shall be paid out of the appropriation for expenses in connection with the registration of automobiles and motor cycles and the licensing of operators thereof. No ordinance, by-law or regulation now in force in any city or town which regulates the speed at which automobiles or motor cycles shall be run upon its public ways shall hereafter have any force or effect. Nothing herein contained shall be so construed as to affect the rights of boards of park commissioners, as authorized by law.

Repeal.

§ 2. Section fourteen of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby repealed.

Approved May 4, 1905.

Revised Laws, Chapter 54 (in part).**OF THE LAW OF THE ROAD.****Persons meeting to turn to right.**

SEC. 1. When persons meet on a bridge or way, travelling with carriages, wagons, carts, sleds, sleighs, bicycles or other vehicles, each shall seasonably drive his carriage or other vehicle to the right of the middle of the travelled part of such bridge or way, so that their respective carriages or other vehicles may pass without interference.

Persons passing in same direction to turn to left.

§ 2. The driver of a carriage or other vehicle passing a carriage or other vehicle travelling in the same direction shall drive to the left of the middle of the travelled part of a bridge or way; and if it is of sufficient width for the two vehicles to pass, the driver of the leading one shall not wilfully obstruct the other.

Penalties.

§ 4. Whoever violates the provisions of this chapter shall, upon complaint made within three months after the commission of the offence, forfeit not more than twenty dollars, and be liable in an action commenced within twelve months after the date of said violation for all damage caused thereby.

AMENDMENT OF 1906.**AN ACT RELATIVE TO AUTOMOBILES AND MOTOR CYCLES.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Amendment to sec. 8 of chap. 473.

SEC. 1. Section eight of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby amended by striking out the said section and inserting in place thereof the following:

Section as amended.

§ 8. Every person operating an automobile or motor cycle on any public or private way laid out under the authority of law shall run it at a rate of speed at no time greater than is reasonable and proper having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way outside the thickly settled or business part of a city or town exceeds twenty miles an hour for the distance of one quarter of a mile such rate of speed shall be prima facie evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is

reasonable and proper having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way inside the thickly settled or business part of a city or town exceeds twelve miles an hour for the distance of one-eighth of a mile such rate of speed shall be *prima facie* evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is reasonable and proper having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way upon approaching a crossing of intersecting ways, or in traversing a crossing or intersection of ways, or in going around a corner or a curve in the highway where the operator's view of the road traffic is obstructed, exceeds eight miles an hour such rate of speed shall be *prima facie* evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is reasonable and proper having regard to traffic and the use of the way and the safety of the public.

Definition.

§ 2. The phrase "thickly settled or business part of a city or town," in section one of this act shall be deemed to mean the territory of a city or town contiguous to any such way which is built up with structures devoted to business, or the territory of a city or town contiguous to any such way where the dwelling houses are situated at such distances as will average less than two hundred feet between such dwelling houses for a distance of a quarter of a mile or over.

Amendment to sec. 9 of chap. 473.

§ 3. Section nine of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three, as amended by section five of chapter three hundred and eleven of the acts of the year nineteen hundred and five, is hereby further amended by inserting between the word "The" and the word "Commission" in the first line the words: Massachusetts highway,— by inserting between the word "revoked" and the word "shall" in the twentieth line the following:— and any person who attaches or causes to be attached a number plate assigned to a motor vehicle by the Massachusetts highway commission to another vehicle, or

who obscures or causes to be obscured the figures on any number plate attached to any motor vehicle with intent to conceal the identity of such motor vehicle,— and by adding to said section the words:— A complaint against a person for the violation of section one of this act may be placed on file at the discretion of the court or trial justice if the violation appears to have been unintentional, or if there are extenuating circumstances. Upon a third or subsequent conviction in the same calendar year of a violation of said section the commission shall forthwith revoke the license of the person so convicted. If it appears by the records of said commission that the person so convicted is the owner of an automobile or motor cycle, or has the exclusive control of any automobiles or motor cycles as a manufacturer or dealer, said commission shall thereupon revoke the certificate of registration of all automobiles or motor cycles so exclusively owned or controlled; and no new license or certificate shall be issued to such person for at least thirty days after the date of such conviction, nor thereafter except in the discretion of said commission,— so as to read as follows:

Section 9 as amended.

§ 9. The Massachusetts highway commission may, after due hearing, suspend or revoke a certificate issued under section one of this act, or the license or certificate issued to any person under sections two and four of this act, for any cause which it may deem sufficient; and any person convicted of violating any provision of this act may be punished by a fine not exceeding twenty-five dollars for a first offence, and not exceeding fifty dollars for a second offence, and not exceeding one hundred dollars for subsequent offences committed during each calendar year; and the penalties imposed for violations of any provision of this act for any calendar year shall be imposed without regard to violations thereof committed in any previous calendar year. Any person convicted of operating an automobile or motor cycle in this commonwealth after his license to operate has been suspended or revoked, and any person convicted of operating or causing or permitting any other person to operate an automobile or motor cycle after the certificate of registration for such vehicle has been suspended or revoked, and any person who attaches or causes to be attached a number plate assigned to a motor vehicle by the Massa-

chusetts highway commission to another vehicle, or who obscures or causes to be obscured the figures on any number plate attached to any motor vehicle with intent to conceal the identity of such motor vehicle, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term of ten days, or by both such fine and imprisonment. A complaint against a person for the violation of section one of this act may be placed on file at the discretion of the court or trial justice if the violation appears to have been unintentional, or if there are extenuating circumstances. Upon a third or subsequent conviction in the same calendar year of a violation of said section the commission shall forthwith revoke the license of the person so convicted. If it appears by the records of said commission that the person so convicted is the owner of an automobile or motor cycle, or has the exclusive control of any automobiles or motor cycles as a manufacturer or dealer, said commission shall thereupon revoke the certificate of registration of all automobiles or motor cycles so exclusively owned or controlled; and no new license or certificate shall be issued to such person for at least thirty days after the date of such conviction, nor thereafter except in the discretion of said commission.

Penalties for reckless driving.

§ 4. Whoever operates an automobile or motor cycle on any public way or private way laid out under authority of a law recklessly or while under the influence of intoxicating liquor, or so as to endanger the lives or safety of the public, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term not exceeding six months. A conviction of a violation of this section shall forthwith be reported by the court or trial justice to the commission which shall immediately revoke the license of the person so convicted. If it appears by the records of said commission that the person so convicted is the owner of an automobile or motor cycle, or has exclusive control of any automobiles or motor cycles as a manufacturer or dealer, said commission shall thereupon revoke the certificate of registration of all automobiles or motor cycles so exclusively owned or controlled. No new license or certificate shall be issued by said commission to such person until after sixty days from the date of such

conviction, nor thereafter except in the discretion of said commission.

Section 6 of chap. 311 amended.

§ 5. Section six of chapter three hundred and eleven of the acts of the year nineteen hundred and five is hereby amended by striking out the words "convicted under" in the third line and inserting in place thereof the words:— charged with a violation of any of,— so as to read as follows:

Section 6 as amended.

§ 6. A full record shall be kept by every court or trial justice in this commonwealth of every case in which a person is charged with a violation of any of the provisions of said chapter four hundred and seventy-three or of any other act relative to automobiles or motor cycles, and a certified copy of such record shall be sent forthwith by the court or trial justice to the Massachusetts highway commission. Said courts and trial justices shall furnish to the Massachusetts highway commission the details of any particularly flagrant cases which may be heard before them, and they may make such recommendations to said commission as to the suspension or revocation of the license or certificate of registration of the persons defendant in such cases as they may deem necessary. Said commission shall keep such records in its main office, and they shall be open to the inspection of any person during reasonable business hours.

Penalties for refusal to give name, etc.

§ 6. Any person who, while operating or in charge of a motor vehicle, shall refuse when requested by a police officer to give his name and address, or the name and address of the owner of such motor vehicle, or who shall give a false name or address, or who shall refuse or neglect to stop when signalled to stop by any police officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses on demand of such officer to produce his license to operate such vehicle or his certificate of registration, or to permit such officer to take the license or certificate in hand for the purpose of examination, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

Penalty for refusing to give information to police officer.

§ 7. Any person owning or controlling a motor vehicle, who, when requested by a police officer, shall refuse or neglect to give any information within his power to give which may lead to the identification or apprehension of the person who was driving such motor vehicle on the occasion inquired about, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; *provided*, that no evidence obtained under the provisions of this section shall be used in any criminal proceeding against the person furnishing the same.

Amendments to sec. 1 of chap. 473.

§ 8. Section one of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three, as amended by section two of chapter three hundred and eleven of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word "fifteen" in the fifty-fourth line and substituting the word:— seven,— so as to read as follows:—

Section 1 as amended.

§ 1. All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the Massachusetts highway commission or any agent thereof designated for this purpose, upon blanks prepared under its authority. The application shall, in addition to such other particulars as may be required by said commission, contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said commission or its duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such automobile or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the

name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor cycle, and shall be in such form and contain such further provisions as the commission may determine. A proper record of all applications and of all certificates issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor cycle described therein. Upon the transfer of ownership of any automobile or motor cycle, its registration shall expire and the person in whose name such vehicle is registered shall immediately return the certificate of registration to the Massachusetts highway commission with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. The Massachusetts highway commission, at its discretion, may assign to any person who so surrenders his registration certificate and who desires to register another automobile or motor cycle the distinguishing number or mark described in the surrendered certificate. No number or number plate other than those prescribed by the Massachusetts highway commission in its certificates of registration shall be displayed on any automobile or motor cycle operated in this commonwealth: *provided, however,* that any automobile or motor cycle owned by a non-resident of this state who has complied with the laws relative to motor vehicles and the operation thereof of the state in which he resides may be operated by such owner on the roads and highways of this state for a period not exceeding seven days without the license, certificate of registration and number plates furnished by the Massachusetts highway commission. Every such vehicle shall have displayed upon it the distinguishing number or mark of the state in which the owner thereof resides and none other until the vehicle is registered in accordance with the provisions of this section.

Amendments to sec. 1 of chap. 356.

§ 9. Section one of chapter three hundred and sixty-six of the acts of the year nineteen hundred and five is hereby amended by striking out in the nineteenth line the words "within fifteen days,"

and inserting in place thereof the words:— within sixty days,— so as to read as follows:—

Section 1 as amended.

§ 1. The city council of a city or the board of aldermen of a city having no common council, and the selectmen of a town, may make special regulations as to the speed of automobiles and motor cycles and as to the use of such vehicles on particular roads or ways, including their complete exclusion therefrom. If they determine that on any particular way a speed greater than the speeds specified in section eight of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three may be permitted with safety, they may make such special regulations as may appear to them to be necessary: *provided, however,* that no such special regulation increasing or lessening the speed at which automobiles and motor cycles may be run on the public highways, or excluding them therefrom, shall be effective unless such regulation shall have been published in one or more newspapers, if there be any, published in such city or town, otherwise in one or more newspapers published in the county in which the city or town is situated. If within sixty days after the publication of such notice, not less than fifty residents of Massachusetts, at least ten of whom shall be taxpayers of the city or town file a written protest with the Massachusetts highway commission, such special regulation shall not be valid until approved by said board after public notice and a hearing given by said board in the city or town. Such special regulation shall be posted conspicuously by or under the direction of the Massachusetts highway commission on sign boards at such points as the board may deem necessary. The cost of such sign boards and the expenses in connection with their erection and maintenance shall be paid out of the appropriation for expenses in connection with the registration of automobiles and motor cycles and the licensing of operators thereof. No ordinance, by-law or regulation now in force in any city or town which regulates the speed at which automobiles or motor cycles shall be run upon its public ways shall hereafter have any force or effect. Nothing herein contained shall be so construed as to affect the rights of boards of park commissioners, as established by law.

HIGHWAY COMMISSION AUTHORIZED TO MAKE RULES AND REGULATIONS.**Rules and regulations of highway commission.**

SEC. 1. The Massachusetts highway commission may from time to time prepare rules and regulations governing the use and operation of automobiles and motor cycles. Such rules and regulations shall be in addition to any rules and regulations already written in the certificates and licenses issued by said commission under authority of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three and of acts in amendment thereof. Said commission may from time to time alter, rescind, or add to any rules and regulations previously made by it.

When rules and regulations take effect.

§ 2. The rules and regulations specified in section one, and any changes therein, shall take effect when approved by the governor and council, and published in at least one newspaper printed and published in each county of the state, and such publication shall be sufficient notice to all persons. The sworn certificate of any member of said commission or of its secretary that said rules and regulations have been published as herein provided shall be prima facie evidence thereof. A copy of such rules and regulations attested by any member of the commission or by its secretary shall be prima facie evidence that they have been made by the commission and approved by the governor and council as provided by law.

Violation of rules and regulations.

§ 3. Any person convicted of operating an automobile or motor cycle in violation of any rule or regulation made under authority of this act may be punished by a fine not exceeding twenty-five dollars for a first offence, not exceeding fifty dollars for a second offence and not exceeding one hundred dollars for subsequent offences.

Power of commission under act.

§ 4. This act shall not be construed as giving to the Massachusetts highway commission power to regulate the speeds at which motor vehicles may be operated on the public ways, or to affect the statutory authority of the metropolitan park commission or of the park commission of any city or town to make the rules and regulations governing the use of automobiles and motor cycles on lands, roadways and parkways under its care and control.

MICHIGAN.

Definitions.

SEC. 1. The term and words "motor vehicles," used in this act, shall be construed to mean all vehicles propelled by power other than muscular power, except traction engines and such motor vehicles as run only upon rails or tracks; the term and words "highway" or "public highway" shall be construed to mean any public highway, township, county or state road, or any county road, any public street, alley, park, parkway, driving or public place in any city, village or town; the term and words "business portion of any city or village" shall be construed to mean the territory of a city or incorporated village contiguous to a public highway which is at that point either wholly or partially built up with structures devoted to business. The term and word "chauffeur" for the purpose of this act shall mean any person operating a motor vehicle as mechanie, paid employee or for hire.

Owner's statement, registration, certificate, seal and fee.

§ 2. Every person now owning or hereafter acquiring a motor vehicle, shall, for every vehicle owned by him, file in the office of the secretary of state, a statement containing his name and address, with a brief description of the vehicle so owned by him to be registered, including the name of the maker, factory number, style of vehicle and motor power, on a blank to be prepared and furnished by said secretary of state for that purpose. Upon the filing of said statement as aforesaid, said secretary of state shall register such motor vehicle in a book or index to be kept for that purpose, and assign it a distinctive number, and shall forthwith issue and deliver to the owner of such motor vehicle a certificate of registration, together with a seal of aluminum or other suitable metal, which said seal shall be circular in form, approximately two inches in diameter, and shall have stamped thereon the words "Registered Motor Vehicle No. ——, Michigan Motor Vehicle Law," with the registration number inserted therein, which said

seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned. The said certificate of registration shall contain the same words and number as the seal, and shall further contain the name of the owner of the vehicle so registered as aforesaid, his address, the name of the maker of the said vehicle, factory number, style and motor power, the date of registration and the liber and page of the book in the secretary's office in which the same is registered. For the registration and issuing of such certificate and seal, a fee of two dollars shall be paid to the secretary of state.

Sale of registered motor vehicle.

§ 3. Upon the sale of a registered motor vehicle, registered in accordance with the above section, the vendor shall return to the secretary of state within ten days from the date of such sale, his said certificate and seal, and in lieu thereof, upon the application by the vendee, the secretary of state shall issue to said vendee a new certificate and seal containing the number of such previous registration, and such vendee making such application shall pay to the said secretary a fee of one dollar.

Display of number.

§ 4. In addition to the conspicuous display of the seal as provided in section two of this act, it shall be the duty of the owner of each and every motor vehicle, at all times, to have displayed upon the rear of such vehicle, in such manner as to be plainly visible, the number assigned to it by the secretary of state, said numbers to be in Arabic numerals, black on white ground or white on black ground, and not less than three inches in height, and each stroke to be of a width not less than one-half inch, and also as a part of said number the name of the state in full or abbreviated, and of the same color and on the same ground as the numerals, the letters of the name to be not less than one inch in height. There shall also be displayed upon every motor vehicle in use upon any public highway during the period from one hour after sunset to one hour before sunrise, two lamps in the front of said motor vehicle, showing a white light visible within a reasonable distance in the direction which such vehicle is proceeding and also a red light in the rear of said motor vehicle and visible for a reasonable distance in the reverse direction.

Motor vehicles must have registration seal and number.

§ 5. No motor vehicle shall be used or operated upon the public highway after thirty days after this act takes effect which shall not display thereon a registration seal, and on the rear of said motor vehicle a number as provided in section four of this act; or which shall display thereon a fictitious seal or number or a seal or number belonging to any other vehicle.

Manufacturers or dealers registration, seals and numbers.

§ 6. A manufacturer of or dealer in motor vehicles shall register one vehicle of each type manufactured or dealt in by him and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in, as he may desire, on payment to the said secretary of state of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this act provided, while such vehicle is being operated upon the public highway, it shall be deemed a sufficient compliance with sections two and four of this act, until such vehicle shall be sold or let for hire.

Non-residents exempt.

§ 7. The provisions of sections two and four shall not apply to motor vehicles owned by non-residents of this state, providing the owners thereof have complied with the law of their respective state, territory or federal district or foreign country, requiring the registration by owners of motor vehicles and who shall have displayed upon their motor vehicle the registration number and name or initial of their state substantially as in this act provided: Provided, however, that such state, territory, federal district or foreign country extends similar privileges to motor vehicles registered under this law.

Chauffeur's statement, registration, fee and certificate.

§ 8. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the secretary of state, on a blank to be supplied by said secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or motor vehicles he is able to operate; and

he shall pay a registration fee of one dollar to the secretary of state. The said secretary shall thereupon file such statement in his office, register such chauffeur on a book or index to be kept for that purpose and assign him a number, and shall deliver to him a certificate of registration, which shall have written therein his or her name and address and the words "Registered Chauffeur No. ——, Michigan Motor Vehicle Law," with the registration number and the name of the motive power of the vehicles said chauffeur is able to operate and the date of registration and the liber and page of the book in the secretary of state's office in which such registration is recorded.

Chauffeur's certificate not transferable.

§ 9. No chauffeur having registered as provided in the foregoing section, shall voluntarily permit any other person to use his or her certificate, nor shall any person while operating a motor vehicle use any certificate belonging to another person or a fictitious certificate.

No one may operate without having complied with this act.

§ 10. No person shall operate a motor vehicle upon the public highway after thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this act.

Disposition of fees paid.

§ 11. All fees paid to the secretary of state as provided in this act shall be applied toward the expense of registration blanks, books, and seals as herein provided to be furnished: Provided, that the surplus shall be applied to the furthering of good roads for the benefit of the state at large.

Speed rates.

§ 12. No person shall operate a motor vehicle upon a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; and shall not in any event while upon any highway run at a higher rate of speed than twenty-five miles an hour, and within the corporate limits of all cities and villages the rate of speed shall

not be greater than eight miles an hour in the business portion of any such city or village, and not greater than fifteen miles an hour in all other portions thereof, subject, however, to the other provisions of this act.

Speed at crossings, et cetera, must be reasonable.

§ 13. Upon approaching an intersecting highway, a bridge, dam, sharp curve or steep descent, and also in traversing such intersecting highway, bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate at such speed as is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Meeting horses, etc.

§ 14. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led or driven thereon, a person operating a motor vehicle shall slow down to a speed not exceeding ten miles an hour and give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and in case of a horse or horses or other draft animals, to prevent frightening the same.

Duties on meeting horses, et cetera.

§ 15. Any person operating a motor vehicle shall, at request or on signal, from a person riding, leading or driving a horse or horses, or other draft animals, guide such motor vehicle to the right of the wrought or traveled portion of the highway, and immediately bring such motor vehicle to a stop, and if requested, shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others. And it shall also be the duty of any male chauffeur or driver of any motor vehicle, and other male occupants thereof, over the age of fifteen years, while passing any horse or horses or other draft animals which appear badly frightened, or upon the request of the person in charge of and driving such horse or horses or other draft animals, to give such personal assistance as would be reasonable to insure the safety of all persons concerned and to prevent accident.

Motor vehicles must turn to the right.

§ 16. Whenever a person operating a motor vehicle shall meet on a highway any other person riding or driving a horse or horses or other draft animals or any other vehicle, and there being no occasion to stop as above provided, the person operating such motor vehicle shall seasonably turn the same to the right of the center of the traveled portion of the highway; while the person approaching shall likewise turn from the center of the traveled portion of the highway so as to pass the motor vehicle on the opposite side of the center of the highway to which the motor vehicle has been turned. And any person so operating any motor vehicle shall, at the intersection of a public highway, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left.

Right of motor vehicle to pass other vehicles.

§ 17. If a vehicle drawn by a horse or horses or other draft animals, or a motor vehicle, be overtaken by any motor vehicle, and the person in charge of such motor vehicle expresses a desire to pass, it shall be the duty of the driver of any such vehicle or motor vehicle so overtaken as aforesaid, to turn to the left of the center of the wrought or traveled portion of the highway, and give the person so making the request an opportunity to pass, but in passing, the person in charge of such motor vehicle and the other male occupants thereof over the age of fifteen years shall give such assistance as they are able to the occupant or occupants of the vehicle they are passing, if assistance is asked and in thus passing the chauffeur shall use all due care to avoid accidents.

Duties in case of accident.

§ 18. In case of accident to person or property upon any public highway, due to the operation thereon of any motor vehicle, the person operating such motor vehicle shall stop, and give such reasonable assistance as can be given, and shall, upon request of the person injured, or any other person, give such person his name and address, and if not the owner, the name and address of the owner of such motor vehicle, together with the registered number thereof.

Speed tests and races.

§ 19. Local authorities, notwithstanding the provisions of this act, may set aside for a given time, a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public, providing such local authority shall, for six weeks prior to the date of such speed tests, give public notice by due publication in a newspaper published and circulating in the county where such speed tests are to be made, and if in more than one county in one paper in each county in which such public highway runs where such tests are to be made, and shall also post notice of such event along said public highway in at least one conspicuous place every quarter of a mile for the entire distance, at least three weeks prior to the date of said event, such notices to be printed in type of sufficient size as to be readable by persons passing along such highway, all of such notices thus posted to be kept up and in place during the time preceding the date of such speed tests.

Local ordinances prohibited and repealed.

§ 20. Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or proprietor of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with the provisions of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or that shall in any way affect the registration or numbering of motor vehicles or prescribing a greater rate of speed than is herein specified at which such vehicles may be operated, or the use of the public highways, contrary to or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect.

Ordinances as to local parks and parkways.

§ 21. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any park, or parkway within a city or incor-

porated village, but in no case to permit a greater speed than is provided in this act, and as a condition thereto, such local authorities must, by signs at each entrance of such park and along said parkway, conspicuously indicate the rate of speed permitted or required and may exclude motor vehicles from any cemetery or grounds used for the burial of the dead.

This act does not affect right of action for damages for injuries resulting from negligence.

§ 22. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator, or his agent, employee or servant, of any such motor vehicle, or resulting from the negligent use of the highway by them or any of them.

Punishments for violation.

§ 23. Any person violating any of the provisions of this act and who shall be convicted thereof, or who shall plead guilty to any complaint for the violation thereof, shall be punished by a fine not exceeding twenty-five dollars and costs of prosecution; or if such fine is not paid, then by imprisonment in the county jail for not exceeding ten days; for the second offense he shall be punished by a fine not exceeding fifty dollars and costs of prosecution; or if such fine is not paid then by imprisonment in the county jail for not exceeding thirty days and for a third, or any subsequent offense, he shall be punished by a fine not exceeding one hundred dollars and costs of prosecution or by imprisonment in the county jail or the Detroit house of correction for a period not exceeding thirty days, or by both such fine and imprisonment.

Police justices and justices of the peace have jurisdiction.

§ 24. All police justices of any city, or justices of the peace of any township where any such violation shall occur, shall have jurisdiction to hear, try and pass sentence for any and all violation of any of the provisions of this act.

Definitions.

§ 25. The term county jail referred to in section twenty-three of this act shall be construed to mean the county jail of any county

where the violation of any of the provisions of this act shall occur, and the Detroit house of correction shall be construed to mean the institution of that name located in the city of Detroit, this state.

Who may arrest, rights when arrested.

§ 26. Any police officer of any city; any marshal, deputy marshal or watchman of any incorporated village; or any sheriff or deputy sheriff of any county or any constable of any township, shall have full power and authority within the limits of their jurisdiction or in any adjoining county to arrest any person known personally to any such officer to have violated any of the provisions of this act, and to immediately bring such offender before any magistrate having jurisdiction, as provided in section twenty-four of this act, and any such person so arrested shall have the right of an immediate trial and all other rights given to any person arrested for having committed a misdemeanor; and if such hearing cannot then be had, be released from custody on giving his personal undertaking to appear in answer for such violation, at such time and place as shall then be indicated, secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, by leaving the motor vehicle, being operated by such person, with such officer; or, in case such officer is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof, by leaving the motor vehicle being operated by such person, with such officer; Provided, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle, and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour. In case security shall be deposited, as in this subdivision provided, it shall be returned to the person depositing, forthwith on such person being admitted to bail.

Repeal, when act takes effect.

§ 27. All acts and parts of acts inconsistent herewith or contrary hereto, so far as they are inconsistent or contrary, are hereby repealed.

This act is ordered to take effect June 15, 1905.

MINNESOTA.

Speed rates.

SEC. 1. No person, driver or operator in charge of any automobile, motor vehicle or motor cycle on any public road, highway or street within the state shall drive, operate, move or permit the same to be driven, operated or moved at a rate of speed faster than eight (8) miles per hour within the thickly settled business portion of any city or village within this state, nor outside of such thickly settled or business portion of any city or village on any public road, highway or street, at a rate of speed faster than twenty-five (25) miles per hour, nor over any crossing or crosswalk within the limits of any city or village, at a rate faster than four (4) miles per hour when any person is upon the same.

Stopping on signal.

§ 2. The driver or operator in charge of any automobile, motor vehicle or motor cycle on any public road, highway or street within this state when signalled by the driver of any vehicle propelled by horses, shall stop said automobile, motor vehicle, until the other vehicle has passed.

Lamp.

§ 3. Every automobile, motor vehicle or motor cycle, when driven on any public road, highway or street within this state, shall, during the hours of darkness, have fixed upon some conspicuous part thereof at least one lighted lamp suitable for the use of said automobile, motor vehicle or motor cycle respectively.

Muffler, bell, law of the road.

§ 4. Every automobile, motor vehicle or motor cycle using gasoline as motive power shall use the "muffler," so-called, and the same shall not be cut out or disconnected within the limits of any city or village within this state. Every automobile, motor vehicle or motor cycle shall be provided with a bell, or horn, which shall be rung or blown whenever there is danger of collision or accident. The driver or operator of every automobile, motor vehicle or motor cycle shall be governed by the usual law of the road by turning to the right in meeting vehicles, teams and persons moving or headed in an opposite direction, and by turning

to the left in passing vehicles, teams and persons moving or headed in the same direction.

License, fee and number.

§ 5. Before any automobile, motor vehicle or motor cycle shall be driven or operated upon any public road, highway or street within this state, the owner thereof shall take out a license for said automobile, motor vehicle or motor cycle, which said license shall be issued by any state boiler inspector in the county where such automobile, motor vehicle or motor cycle is owned. Any person obtaining such license shall pay for the same the sum of two dollars (\$2.00) to said boiler inspector, who shall issue such license and shall record each license issued by number in consecutive order. The number of each license shall be painted in plain figures upon the back part of each machine in a conspicuous place, and said figures shall not be less than four and one-half (4½) inches high and of proportionate width. Provided, however, that nothing in this section contained shall be construed to refer to any driver or operator of any automobile, motor vehicle or motor cycle licensed by any municipality in this state, nor to any automobile, motor vehicle or motor cycle, the numbering of which is provided for by any such municipality.

Record of licenses and fees, disposition of fees.

§ 6. Any boiler inspector issuing a license shall keep a correct record of all licenses issued in a book to be kept for that purpose. He shall make a correct report to the county treasurer of the county in which he resides at the end of each month of all licenses issued during the month, if any, together with one-half of all fees collected, and shall turn over to such county treasurer one-half of all such fees; the other one-half of the fees so collected he shall be allowed to retain for his services for issuing such licenses.

Violation a misdemeanor.

§ 7. Any person violating any of the provisions of this act is guilty of a misdemeanor.

Takes effect.

§ 8. This act shall take effect and be in force from and after its passage.

Approved April 21, 1903.

MISSOURI.

Meeting horses, et cetera.

SEC. 1. Every person, corporation, company or co-partnership engaged in operating any automobile by steam, gasoline or electricity or other motive power upon any of the public streets, roads, or highways of this state, shall keep a vigilant watch for vehicles, carriages or wagons drawn by animals, and especially vehicles, carriages or wagons driven by women or children, and shall when approaching any such vehicle, carriage or wagon so drawn by animal or animals stop such automobile for such a time as to enable such person in charge of any such vehicle, carriage or wagon to pass, or if going in the same direction, shall before attempting to pass give said drivers or person in charge of any such vehicle, carriage, or wagon drawn by animal or animals sufficient notice of his or their intention to pass, by the sounding of a bell or whistle and if necessary to prevent the frightening of such animal or animals bring said automobile to a stop in order to give such driver or person an opportunity to alight from such vehicle, carriage or wagon.

Automobile must give right of way.

§ 2. All persons, corporation, company or co-partnership engaged in operating any automobile as aforesaid, shall when required by the driver or person in charge of any vehicle, carriage or wagon drawn by any animal or animals, give the right of way to such driver of such vehicle, carriage or wagons and shall not run such automobile at a greater rate of speed than nine miles per hour.

Number, license and lamps.

§ 3. All automobiles operated or run upon any of the public streets, roads or highways of any city or county in this state shall bear a number corresponding to the number of the license, placed at a conspicuous place; and if run or operated in the night shall

have two lighted lamps on the front part of said automobile, and on said lamps shall be painted in legible figures, at least three inches long, the number thereof.

License and fees.

§ 4. Every person, corporation, company or co-partnership desiring to operate any automobile propelled by steam, gasoline or electricity or any other motive power shall obtain a license from the license commissioner, if in a city having such commissioner, or if desired to operate same in any county outside the incorporate limits of any such city or any of the public highways, streets or roads of this state, shall obtain a license from the county clerk of such county authorizing the operating of such automobile, and shall pay to the license commissioner, or if in a city having such commissioner, or if in any county to the county clerk of such county the sum of two dollars per annum for each automobile, so operated and run on the streets, roads and highways, which said sum shall be paid into and become a part of the general road fund.

Punishment for violations.

§ 5. Any person, corporation, company or co-partnership violating any of the provisions of this act shall, upon conviction, be adjudged guilty of a misdemeanor and punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than six months or by both such fine and imprisonment.

MONTANA.

Speed rates.

SEC. 1. No automobile or other motor vehicle shall be run on any public highway outside the limits of a city, fire district or thickly settled or business part of a town at a speed exceeding twenty miles an hour, and no such vehicle shall be run on any public way within the limits of a city, fire district, or of any thickly settled or business part of a town at a speed exceeding eight miles an hour.

Duties upon meeting horses, et cetera.

§ 2. Every person having control or charge of a motor vehicle or automobile shall, whenever upon any public street or way and approaching any vehicle drawn by a horse, mule, horses or mules or any horse upon which any person is riding, operate, manage and control such motor vehicle or automobile in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear frightened, the person in control of such motor vehicle shall reduce its speed and if requested by signal or otherwise by the driver of such horse or horses, shall not proceed farther towards such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver.

Speed at crossings.

§ 3. Upon approaching a crossing of intersecting ways, and also in traversing the crossing or intersection, the person in control of a motor vehicle shall run it at a rate of speed less than that above specified, and not greater than is reasonable and proper, having regard to the traffic and the use of the intersecting ways.

Definition of "motor vehicle."

§ 4. The term "motor vehicle" in this act shall include all vehicles propelled by any power other than muscular power except-

ing railroad and railway cars and motor vehicles running only upon rails or tracks.

Punishment for violations.

§ 5. Any person violating any provision of this act shall be punished for each offense by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding sixty days, or by both such fine and imprisonment.

Repeal.

§ 6. All acts and parts of acts in conflict herewith are hereby repealed.

Takes effect.

§ 7. This act shall take effect and be in full force from and after its passage.

Approved March 7, 1905.

NEBRASKA.

Definitions.

SEC. 1. The words and phrases used in this act shall, for the purpose of this act only, be construed as follows:

1. "Motor vehicles," shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing herein contained shall apply to traction engines and road rollers; 2. "Closely built up portions," shall mean the territory of a city, town or village, contiguous to a public highway devoted to business or where for not less than one-fourth ($\frac{1}{4}$) of a mile the dwelling houses on such highways average not more than one hundred (100) feet apart.

Owner's statement, fee.

§ 2. Every owner of a motor vehicle shall, for every such vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered, on a blank prepared and furnished by such secretary for that purpose. The filing fee shall be one dollar (\$1.00).

Filing, registration and number.

§ 3. The secretary of the state shall thereupon file such a statement in his office, register such motor vehicle in a book to be kept for that purpose and assign it a number beginning with number one (1) and so on in the order of filing.

Re-registration.

§ 4. Every person acquiring a motor vehicle shall file a like statement with the secretary of state and such secretary of state shall, in like manner, file such statement, register such vehicle and assign it a number. If the vehicle has previously been registered, and such fact and number assigned it shall be set forth in the

statement, the previous registration shall be cancelled; but the number of such previous registration may be assigned under the new registration.

Seal.

§ 5. The secretary of state shall forthwith on such registration and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form, not over two inches (2) in diameter, and have stamped therein the words, "Registered in the office of the Secretary of State for the State of Nebraska," under the "Motor Vehicle Law, No. ——" with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle to which such number has been assigned.

Display of number.

§ 6. Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such motor vehicle in such a manner as to be plainly visible, the number to be Arabian numerals, each not less than three (3) inches in height, and each stroke to be of a width not less than one-half ($\frac{1}{2}$) inch, and also as a part of such number the initial and terminal letters of the state's name, such letters to be not less than two (2) inches in height.

Non-residents exempt.

§ 7. The provision of sections two (2) to five (5) inclusive, shall not apply to motor vehicles owned and operated by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initials of such state, territory or federal district, shall be displayed on such vehicles substantially as provided by section six (6) of this act.

Speed rates.

§ 8. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to en-

danger the life or limb of any person, or in any event in the closer built up portions of a city, town, or village, at a greater rate than one (1) mile in six (6) minutes, or elsewhere in a city, town or village at a greater rate than one (1) mile in four (4) minutes, or elsewhere outside of the city, town or village at a greater average rate than twenty miles per hour; subject, however, to the other provisions of this section. Upon approaching a crossing of intersecting public highways, or a bridge, or a sharp curve, or a steep descent, and also in traveling such crossings, bridges, curves, or descent a person operating a motor vehicle shall have it under control and operated at a rate of speed less than heretofore specified, and in no event greater than is reasonable and proper, having regard to the traffic then on such highways and the safety of the public.

Duties upon meeting horses, et cetera.

§ 9. Any person operating a motor vehicle shall at request or on signal by putting up the hand, from a person riding or driving a restive horse or other draught or domestic animal, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction remain stationary so long as may be reasonable to allow such horse or animal to pass, and if traveling in the same direction, use reasonable caution in passing such horse or animals, and the operator or occupant of any motor vehicle shall render necessary assistance to the party having in charge such a horse or other draught animal in so passing.

Brakes, bell and lamps.

§ 10. Every motor vehicle while in use on a public highway shall be provided with a good and sufficient brake, and also with a suitable bell, horn or other signal, and be so constructed as to exhibit, during the period from one (1) hour after sunset to one (1) hour before sunrise, one or more lamps showing white lights visible within a reasonable distance towards which such a vehicle is proceeding, and also a red light visible in the reverse direction.

Local ordinances prohibited, exception.

§ 11. Cities and towns shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the

public highway or exclude or prohibit any motor vehicle whose owner has complied with section two (2) or section four (4) of this act from the free use of such highways, and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; provided that nothing in this act shall be construed as limiting the power of local authorities to make, enforce and maintain an ordinance, rules or regulations, in addition to the provisions of this act, affecting motor vehicles which are offered to the public for hire.

Punishment for violations.

§ 12. The violation of any of the provisions of this act shall be deemed a misdemeanor, punishable by fine not exceeding twenty-five dollars (\$25.00) for the first offense, and punishable by a fine not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or imprisonment not exceeding thirty days (30) in the county jail for a second or subsequent offense.

Approved April 3, 1905.

NEW HAMPSHIRE.

Definitions.

SEC. 1. The terms automobile and motor cycle as used in this act shall include all vehicles propelled by other than muscular power except railroad and railway cars and motor vehicles running only upon rails or tracks and road rollers.

Filing statement, registration fee, record and certificate.

§ 2. All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Applications for such registration shall be made, by mail or otherwise, to the secretary of state, upon blanks prepared under his authority. The application shall, in addition to such other particulars as may be required by the secretary of state, contain a statement of the name, place of residence, and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motive power and the amount of such power stated in figures of horse power, and with such application shall be deposited a registration fee of three dollars. Said secretary of state shall then register in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such vehicle a distinguishing number or mark, which in all cases shall be followed by the letters "N. H.", and shall thereupon issue to the applicant a certificate of registration and shall furnish such applicant with two number plates or tags bearing the distinguishing number or mark of his vehicle, followed by the letters "N. H.", of such form as to be conveniently attached to the vehicle registered. The certificate shall contain the name, place of residence and address of the applicant, and the registered number or mark, and shall prescribe the manner in which such registered number or mark shall be displayed upon the vehicle, and shall be in such form and contain such further provisions as the secretary of state may prescribe. The certificate of registration shall always be carried in some

easily accessible place in the vehicle described therein. A proper record of all applications and of all certificates issued shall be kept by the secretary of state at his office and shall be open to the inspection of any person during reasonable business hours. Upon the sale of any automobile or motor cycle its registration shall expire and the vendor shall immediately return the certificate of registration and number plates to said secretary of state, with notice of the sale and of the name, place of residence and address of the vendee.

Manufacturer's or dealer's license.

§ 3. Every manufacturer of or dealer in automobiles or motor cycles, may, instead of registering each such vehicle owned or controlled by him, make application upon a blank provided by the secretary of state, for a general distinguishing number or mark, and the secretary of state shall, if the facts stated in said application are true, grant said application and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant and the general number or mark assigned to him and made in such form and containing such further provisions as said secretary of state may determine, and all automobiles or motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire, or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing mark or number. The fee for every such license shall be ten dollars, and approved number plates or tags shall be furnished to the applicant by said secretary of state for the sum of one dollar per pair.

Operator's license and special license for operating automobiles for hire.

§ 4. No person shall operate an automobile or motor cycle until he shall have first obtained a license for that purpose. Applications for licenses shall be made upon blanks prepared by the secretary of state, and the licenses issued shall be in such form and contain such provisions as said secretary of state may determine. To each licensee shall be assigned a distinguishing number or mark, and a proper record of all applications for licenses and of all licenses issued shall be kept by the secretary of state at his office and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place

of residence and address of the licensee, and the distinguishing number or mark assigned to him. Such licenses shall be granted for one year only, and the fee therefor shall be one dollar. All fees shall be deposited at the time of making the application. Special licenses for operating automobiles for hire may be issued by the secretary of state for an annual fee of five dollars each, but no license shall be issued under the provisions of this section until the secretary of state shall have first satisfied himself that the applicant is a competent and proper person to receive the same. Every licensee when operating a machine shall keep his license with him and exhibit it upon the request of any officer of the law.

Registration necessary, also style and display of registered number.

§ 5. Except as hereinafter provided, no person shall on or after the first day of May in the year nineteen hundred and five, operate an automobile or motor cycle upon any highway laid out under the authority of statute or road dedicated to the public use for a highway, unless the provisions of sections two and four of this act have been complied with, nor unless the registered number or mark is at all times so displayed at two points upon the vehicle as to be unobstructedly visible, respectively from in front of, and behind said vehicle. Number plates furnished by the secretary of state, shall be the only approved form of display of the distinguishing number or mark and the same shall be of uniform style, bearing the number legibly inscribed upon them in figures not less than four inches in height followed by the letters "N. H." Motor cycles shall be required to carry but one number plate which must be constantly displayed in the most conspicuous position practicable. No person shall operate an automobile for hire unless specially licensed so to do, and no person shall employ for hire as chauffeur or operator of an automobile, any person not specially licensed as aforesaid, and the secretary of state may make regulations requiring a display of the chauffeur's or operator's number or mark. The provisions of this section shall not prevent the operating of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator.

Exemption of non-resident owners.

§ 6. Automobiles or motor cycles owned by non-residents of this state and registered in some other state, may be operated upon the

roads and highways of this state, subject, however, to the speed limitations contained in this act. Any non-resident person holding an operator's or chauffeur's license from another state may operate an automobile or motor cycle in this state subject to a revocation or suspension of such right by the secretary of state for cause as hereinafter provided.

Brakes, mufflers, bells and lamps.

§ 7. Every automobile or motor cycle operated within the state shall be provided with an adequate brake, with an efficient muffler or silencing device which shall constantly be maintained in use whenever the vehicle is operated within business districts or the compactly built sections of cities or towns. Every automobile or motor cycle shall further be provided with a suitable bell, horn or other means of signaling and shall during the period from one hour after sunset until one hour before sunrise, display lighted lamps upon the faces of which shall be displayed the distinguishing number of the machine in legible figures of not less than one inch in height.

Speed permitted.

§ 8. No automobile or motor cycle shall be operated upon any public highway outside the business district or the compactly built sections of a city or town at a speed greater than twenty miles an hour, or within the business districts or compactly built sections of a city or town at a speed greater than eight miles an hour. A point upon a road shall be considered to be within the compactly built section of a city or town if the buildings abutting upon the road for one-quarter of a mile immediately adjacent to the point in question average one hundred feet apart or less. Upon traversing a crossing of intersecting ways, in going around a corner or curve which cuts off a free view of the road to be traversed, or in traversing a highway bordering a steep descent or passing over a bridge, every person operating such a vehicle shall run it at a rate of speed less than that heretofore specified and at no time and in no place greater than is reasonable and proper, having regard to traffic, the use of the way, and the safety of the public. In traversing a crossing of intersecting ways or in going around a corner or sharp curve in a road, the operator shall sound his horn or bell.

Meeting horses, stopping on signal.

§ 9. Every person having control or charge of an automobile or motor cycle, shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses or approaching any horse upon which any person is riding, operate, manage and control such automobile or motor cycle in such a manner as to exercise every reasonable precaution to prevent the frightening of such horse or horses and to insure the safety and protection of any person riding or driving the same. And, if such horse or horses appear to be frightened, the person in control of such automobile or motor cycle shall reduce its speed, and if requested by the raising of a hand or other signal, by the rider or driver of such horse or horses, shall not proceed further towards such animal and in cases of extreme fright shall upon request reduce the motive power to a full stop.

Penalties for violation of this act.

§ 10. Any person convicted of violating any provisions of this act shall be punished for the first offense by a fine of not exceeding ten dollars and costs. Any person convicted of a second or subsequent offense shall be punished by a fine of not exceeding fifty dollars and the revocation of his license or privilege. Any person convicted of operating an automobile or motor cycle after a revocation or suspension of his license or privilege, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. A court convicting any person of violating any of the provisions of this act shall at once notify the secretary of state of such conviction, with the number, or mark of the machine and license, and shall transmit other information obtained at the hearing. This shall be recorded by the secretary of state, and if at any time it shall appear that any person has been convicted of a first offense in more than one court in this state the fact of the second conviction shall be deemed a second offense and his license, or, if a non-resident, his privilege, shall be revoked. Upon such revocation his license shall be returned to the secretary of state. The secretary of state shall not again grant a new license, to any person, or renew the privilege of a non-resident, after revocation under the provision of this section, except for good reasons shown and not before the expiration of three months from the date of such revocation.

Duties of secretary of state, expenses and fees.

§ 11. It shall be the duty of the secretary of state to perform all acts as provided herein. The fees received under the provisions of this act shall be paid quarterly by the secretary of state into the treasury of the state, and such expenses as may be necessary in carrying out the provisions of this act shall be paid out of the treasury of the state.

Speed tests and races.

§ 12. Nothing in this act shall be construed to prevent the selectmen of any town, or the joint boards of the selectmen of two or more adjoining towns, from issuing a special permit to the manager or person in charge of an automobile meet or gathering, for trials of speed or endurance upon a particular highway or over a specified route. But such permit shall be limited to days specified therein. Every family residing on such highway or route shall be notified in writing, and the public shall be notified by publication in the local newspapers issued the week next prior to such meeting, that such permit has been granted. All expenses incurred under this section shall be paid by the applicant and no such permit shall be a protection from the general provisions of this act except upon a strict compliance herewith, and shall in no way annul or modify any of the provisions of section nine of this act.

Rule of evidence in action for damages when the chauffeur or operator is unlicensed.

§ 13. If any person sustains an injury to himself or team on any public highway by reason of the presence of any automobile or motor cycle thereon, the fact of such injury shall be *prima facie* evidence sufficient to sustain an action of case to recover for such injury, unless the vehicle causing such injury is under the control of or accompanied by a person holding a chauffeur's or operator's license. This section shall not apply to any automobile or motor cycle left in any highway from necessity, or otherwise left in a reasonable manner, by a licensed chauffeur or operator.

When act takes effect.

§ 14. Except as otherwise provided herein this act shall take effect upon its passage.

NEW JERSEY.

PART I.

Definitions.

SEC. 1. As used in this act:

(1) The term "motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

(2) The term "motor cycle" includes only motor vehicles having pedals and saddle with driver sitting astride.

(3) The term "automobile" includes all motor vehicles excepting motor cycles.

(4) The word "magistrate" shall be deemed and understood to mean and include all justices of the peace, judges of the city criminal courts, police justices, recorders, mayors and all other officers having the power of a committing magistrate.

§ 2. Automobile fire engines and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure or business, nor for the transportation of freight, such as steam road rollers and traction engines, are excepted from the provisions of this act.

PART II.

The construction and equipment of motor vehicles.

§ 3. Every motor vehicle must be equipped with a plainly audible signal trumpet.

§ 4. (1) Every automobile shall carry, during the period from one hour after sunset to one hour before sunrise, and whenever fog renders it impossible to see a long distance, at least two lighted lamps, showing white lights, visible at least two hundred and fifty feet in the direction towards which said automobile is proceeding, and shall also exhibit one red light visible in the reverse direction. Upon the fronts of the two aforesaid lamps showing white lights shall be displayed, in such manner as to be plainly visible when such lamps are lighted, the number of the registration certificate

issued as in this act provided, the same to be in Arabic numerals, not less than one inch in height.

(2) Every motor cycle shall carry, during the period from one hour after sunset to one hour before sunrise, and whenever fog renders it impossible to see a long distance, at least one lighted lamp, showing a white light visible at least two hundred feet in the direction toward which the motor cycle is proceeding.

§ 5. Automobiles of more than ten horse-power shall be provided with at least two brakes, powerful in action and separated from each other, of which one brake must act directly on the drive wheels or on the parts of the mechanism which are firmly connected with the wheels. Each of the two brakes must suffice alone to stop the automobile within a proper time. One of the two brakes must be so arranged as to be operated with the foot; provided, however, that on automobiles not exceeding ten horse-power one brake will be sufficient.

Motor cycles shall be provided with at least one brake, which may be operated by hand.

§ 6. No motor vehicle tire shall be fitted with a chain when used upon gravel macadam or other made roads, except upon natural dirt, asphalt, cobble, Belgium block or vitrified brick pavements; provided, however, that tires may be fitted with a chain when used upon roads covered with a coating of at least one inch of snow or ice.

§ 7. Every motor vehicle must have devices to prevent excessive noise, annoying smoke and the escape of gas and steam, as well as the falling out of embers or residue from the fuel.

PART III.

Department of motor vehicle registration and regulation.

§ 8. The secretary of state shall forthwith organize in connection with the department of state the department of motor vehicle registration and regulation. He shall provide suitable quarters for the same and shall furnish all necessary supplies and equipment for the proper enforcement of the provisions of this act. He shall approve all bills for disbursement of money under any of the provisions of this act, which shall be paid by the state treasurer, upon the warrant of the comptroller out of any appropriation regularly made therefor.

§ 9. The assistant secretary of state shall be ex-officio commissioner of motor vehicles, and shall have personal charge and supervision of the enforcement of the provisions of this act. The secretary of state shall appoint a chief inspector of motor vehicles, who shall be chief clerk of the department, and who shall have practical knowledge of the mechanical arrangement and capabilities of all kinds of motor vehicles, and be capable to pass upon the efficiency of motor vehicles and the competency of motor vehicle drivers. The secretary of state shall also appoint as many inspectors, not exceeding seven, as may be necessary in detecting violations of this act, in obtaining evidence of violations and otherwise assisting in the enforcement of the act. He shall also provide the clerical assistance necessary to carry into effect the provisions of this act. He shall fix the compensation of all inspectors, clerical assistants and others employed under this act; the salary of inspectors, however, shall not exceed three dollars per day. The compensation of the commissioner of motor vehicles shall be fifteen hundred dollars per annum, in addition to any compensation he may receive by reason of any statute fixing the compensation of assistant secretary of state, and that of the chief inspector shall be fifteen hundred dollars per annum.

§ 10. The commissioner of motor vehicles shall be authorized, and full power and authority are hereby given to him, to designate the chief of police and the lawful deputy of said chief of police of any municipality in this state, or any other proper person, to be the agent of the said commissioner of motor vehicles, for the registering of motor vehicles and issuing registration certificates, and for the examining of applicants for licenses to drive motor vehicles, and the granting of licenses to said applicants, subject to the requirements of this act and to such rules and regulations as shall be imposed by the commissioner; and any chief of police and deputy who may be so designated are hereby authorized and required to act according and until the said authority so to act is revoked by the said commissioner. The fee allowed such agent for registration certificates so issued by him, and for every license so granted by him, shall be fixed by the inspector of motor vehicles, the same to be retained from the registration fee or the license fee paid to him; *provided, however,* that every registration and registration certificate and every license to drive motor vehicles may be revoked by the said commissioner of motor vehicles for a violation

of any of the provisions of this act, or on other reasonable grounds after due notice in writing of such proposed revocation and the ground thereof, and if a driver of motor vehicles shall have had his license revoked, a new license granted to him within one year thereafter shall be void and of no effect unless it shall be granted by the said commissioner of motor vehicles in person; and if the registration or registration certificate of any motor vehicle shall have been revoked, a new registration made, or new registration certificate issued, within one year thereafter shall be void and of no effect unless the new registration shall be made and the new certificate issued under the personal direction of the commissioner of motor vehicles.

§ 11. The commissioner of motor vehicles shall be authorized, and full power and authority are hereby given to him, to license, at his discretion and upon payment of the lawful fee, any proper person of the age of sixteen years or over to be a motor-vehicle driver, said commissioner or his agent having first examined said person and being satisfied of his ability as an operator, which examination shall include a test of the knowledge on the part of the said person of such portions of the mechanism of motor vehicles as is necessary, in order to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant, and the said applicant having demonstrated his ability to operate a vehicle of the class designated; and the said commissioner of motor vehicles may, in his discretion, refuse to grant a license to drive motor vehicles to any person who shall, in the estimation of said commissioner, be an improper person to be granted such a license; and the said commissioner shall have power to grant a registration certificate to the owner of any motor vehicle, application for registration having properly been made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this act. But it shall be lawful for the said commissioner of motor vehicles to refuse registration to any vehicle that, in his estimation, is not a proper vehicle to be used upon public roads and highways of the state.

§ 12. The commissioner of motor vehicles shall have such powers and duties as are in this act given and imposed, and shall collect such data with respect to the proper restrictions to be laid upon motor vehicles, and the use thereof upon the public roads, turnpikes and thoroughfares, as shall seem to be for the public good,

and under the direction of the secretary of state shall report to each legislature the operations of his office for the year ending on the next preceding thirty-first day of December. It shall be his duty to attend to the enforcement of the provisions of this act.

§ 13. The commissioner of motor vehicles shall keep a record of all his official acts, and shall preserve copies of all decisions, rules and orders made by him, and shall adopt an official seal. Copies of any act, rule, order or decision made by him, and of any paper or papers filed in his office, may be authenticated under said seal, and when so authenticated shall be evidence equally with and in like manner as the originals, and said commissioner shall be empowered to communicate with the police departments and peace officers in the state for the purpose of and with the object of the proper enforcement of this act.

§ 14. Motor vehicle inspectors may be appointed, as provided in section nine of this act, and shall be presented with a badge indicative of their office, and when wearing such badge on the left breast of the outermost garment shall have power to stop any motor vehicle and examine the same to see that it complies with the requirements of this act, whether in matter of equipment, identification or otherwise; to require the production of the license of the driver; to arrest, without warrant, for violations of this act committed in their presence, and generally to act as special officers for the enforcement of the provisions of this act and for the detection and arrest of those who violate or infringe upon the provisions hereof.

PART IV.

The operation of motor vehicles.

§ 15. No person shall drive a motor vehicle, the owner of which vehicle shall not have complied with the provisions of this act concerning the proper registration and identification of the same; nor shall any person drive a motor vehicle which shall display on the front or back thereof a fictitious number, or a number other than that designated for such motor vehicle in the New Jersey registration certificate of such motor vehicle.

§ 16. (1) Every resident of this state who is the owner of an automobile, and every non-resident owner whose automobile shall be driven in this state, shall annually file in the office of the commissioner of motor vehicles, or with the lawful agent of said com-

missioner, a statement in writing, containing the name and address of such owner, together with a brief description of the character of such automobile, including the name of the maker and the manufacturer's number of the automobile, if number there be, and the rated horse-power of the automobile, and shall pay annually to the commissioner of motor vehicles, or his lawful agent, a registration fee of three dollars for each motor vehicle having a rating of less than thirty horse-power, and five dollars for each motor vehicle having a rating of thirty horse-power or more; and if an automobile has two ratings of horse-power, the registration fee shall be based upon the highest rating. The commissioner of motor vehicles shall issue for each automobile so registered a certificate properly numbered, stating that such automobile is registered in accordance with this section, and shall cause the name of such owner, with his address, the number of his certificate, and the description of such automobile or automobiles, to be entered in alphabetical order of the owners' names in a book to be kept for that purpose; *provided, however,* that the commissioner of motor vehicles may refuse registration in the case of any automobile that shall not comply with the requirements of this act, or that shall seem to him unsuitable for use on the public roads and highways of this state. Each owner having a residence outside of the state shall file with the secretary of state a duly executed instrument, constituting the secretary of state and his successors in office the true and lawful attorney upon whom all original process in any action or legal proceeding for damages, caused by the operation of his registered motor vehicle within this state, against such owner may be served, and therein shall agree that any original process against such owner shall be of the same force and effect as if served on such owner within this state; the service of such process shall be made by leaving a copy of the same in the office of the secretary of state with a service fee of two dollars to be taxed on the plaintiff's costs of suit. Said commissioner of motor vehicles shall forthwith notify such owner of such service by letter directed to him at the post-office address stated in his application. Upon any and every transfer of a registered automobile by the owner thereof, in whose name the same is registered, the said registration and certificate thereof shall forthwith be and become void; but the same may be validated by the endorsement of the commissioner of motor vehicles, the purchaser having made written application

therefor and paid a transfer fee of one dollar. Every registration shall expire and the certificate thereof become void at the expiration of one year from the date thereof, subject to renewal by the commissioner of motor vehicles upon the filing of the proper statement and the payment of the registration fee by the owner of the automobile.

(2) Every resident who is the owner of a motor cycle, and every non-resident whose motor cycle shall be driven in this state, shall pay an annual registration or license fee of one dollar for such motor cycle, which shall include the right of such person to drive such motor cycle within this state without an examination of his ability to run motor cycle, unless such an examination be required by the commissioner of motor vehicles; and such owner shall be given a registration certificate, in which shall be designated the proper registration number, and such certificate shall be valid for a term of one year from the date thereof, unless revoked by the commissioner of motor vehicles, or as otherwise provided by this act.

(3) Every manufacturer of or dealer in automobiles, instead of registering each automobile owned or controlled by him, may make application, as hereinbefore provided in this section, for a registration number, and the written statement, in addition to the matters hereinbefore contained, shall state that he is a manufacturer or dealer, as the case may be, and that he desires to use a single number for all automobiles owned or controlled by him; and thereupon the commissioner of motor vehicles, if satisfied of the facts stated in said application, shall issue a certificate, as hereinbefore set forth, assigning the same a number as hereinbefore set forth, which certificate shall contain the statement that the same is issued to the applicant as a manufacturer or dealer, as the case may be, and that one certificate shall cover and be valid for all automobiles owned or controlled by such manufacturer or dealer until sold or let for hire, or loaned for a period of not more than five successive days. All such automobiles shall be regarded as registered under such general number; *provided*, and if, in addition to the registration number displayed on the front and back of the car, as hereinafter provided, there shall be added the letter "M," of equal size and prominence; *and provided, further*, that not more than five automobiles, owned or controlled by the same manufacturer or dealer in automobiles, shall be in operation at the same time

under the same number. The fee for every such manufacturer's or dealer's certificate shall be twenty dollars.

(4) No registration or registration certificate made or issued under any former act shall be valid after July first, nineteen hundred and six.

§ 17. No person shall hereafter drive an automobile upon any public street, public road or turnpike, public park or parkway, or public driveway or public highway, in this state unless licensed to do so in accordance with the provisions of this act. No person under the age of sixteen years shall be licensed to drive automobiles, nor shall any person be licensed to drive automobiles until said person shall have passed a satisfactory examination as to his ability as an operator, which examination shall include a test of the knowledge on the part of said person of such portions of the mechanism of automobiles as is necessary in order to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant. Licenses and the fees therefor shall be rated according to the horse-power of automobiles and shall be granted for the period of one year; and the license, for one year from the date thereof, shall entitle the licensee to drive any registered automobile of the class for which it is granted, or of a class of a smaller horse-power. Automobiles of a horse-power not exceeding one horse-power shall be rated class one, and in like manner the class of every automobile shall be determined by the number of horse-power of the vehicle, and the annual fee for a license to drive any automobile of a rating of less than thirty horse-power shall be one dollar, and to drive any automobile having a rating of thirty horse-power or more shall be two dollars, and if an automobile shall have two ratings of horse-power, the license fee shall be based upon the higher rating. When an automobile driver, upon passing a satisfactory examination, shall have been once granted a license hereunder, no further examinations shall be required for a renewal of the said license, unless the commissioner of automobiles shall deem it necessary; *provided, however,* it shall be lawful for the commissioner of motor vehicles at his discretion to issue to any person a written permit, under the hand and seal of said commissioner, allowing the said person, for the purpose of fitting himself to become a motor vehicle driver, to operate a motor vehicle for a specified period of not more than three weeks, while in the company of and under the supervision of a licensed motor vehicle

driver; and such permit, under the hand and seal of the commissioner of motor vehicles, shall be sufficient license for the said person to operate a motor vehicle in this state during the period specified, while in the company of and under the control of a licensed motor vehicle driver of this state; and *provided, further,* that the said person, as well as such licensed motor vehicle driver, shall be held accountable for all violations of this act committed by the said person while in the presence of such licensed motor vehicle driver.

§ 18. Each license to drive an automobile shall specify the maximum horse-power of the automobile allowed to be driven thereunder, and shall have endorsed thereon in the proper handwriting of the licensee the name of said licensee. And said licensee when thereupon requested by any motor vehicle inspector or magistrate, while in the performance of the duties of his office under this act, shall exhibit said license to said officer and write his name in the presence of said officer, to the end that he may thereby determine the identity of said licensee.

§ 19. No intoxicated person shall drive a motor vehicle.

§ 20. No person shall drive a motor vehicle without the consent of the owner.

PART V.

Identification marks of motor vehicles.

§ 21. The owner of each and every automobile which shall be driven upon the public streets, public roads, turnpikes, parks, public parkways, public driveways or public highways in this state shall have the number of the registration certificate, issued as in this act provided, upon both the front and back of every such automobile, stationary, in a conspicuous place, the bottom of which shall be at least fifteen inches and not more than thirty-six inches above the level of the ground, kept clear and distinct and clean of grease, dust or other blurring matter, so as to be plainly visible at all times during daylight; such numbers to be separate Arabic numerals and not less than four inches in height, the strokes to be in width not less than one-half an inch; and there shall not be placed upon the front or rear of said vehicle any other numbers; and when the number of the registration certificate shall include a letter or letters, such letter or letters are to be not less than four inches in height and the strokes to be not less than one-half an inch in width.

PART VI.

Use of roads and highways.

§ 22. (1) Drivers of motor vehicles, whether of burthen or of pleasure, using any of the turnpikes or public roads in this state, when met by another motor vehicle, or by a carriage, sleigh, or sled, shall keep to the right, and when overtaken by another motor vehicle, carriage, sleigh or sled they shall likewise keep to the right, so as in both cases to permit such motor vehicle, carriage, sleigh or sled, either met or overtaken, to pass uninterrupted.

(2) No owner or purchaser or driver of a motor vehicle who shall have complied with the requirements and provisions of this act shall be required to obtain any other license or permit to use or operate the same, nor shall such owner or purchaser or driver be excluded or prohibited from or limited in the free use thereof, nor limited as to speed upon any public street, avenue, road, turnpike, driveway, parkway or other public place, at any time, when the same is or may hereafter be opened to the use of persons having or using other carriages, nor be required to comply with other provisions or conditions as to the use of said motor vehicle, except as in this act provided; *provided, however*, that nothing in this section contained shall be construed to apply to or include any speedway created and maintained in pursuance of an act of the legislature of the state of New Jersey entitled "An act to provide for the construction and maintenance of speedways in the counties of this state," approved March nineteenth, one thousand nine hundred and two; nor to any parks or parkways created and maintained in accordance with an act of the legislature of the state of New Jersey entitled "An act to establish public parks in the counties of this state and to provide for the acquirement, improvement and regulation of the same," approved March twentieth, one thousand, nine hundred and one. No city, town, township, borough or other municipality shall have power to make any ordinance, by-law or resolution limiting or restricting the use or speed of motor vehicles, and no ordinance, by-law or resolution heretofore or hereafter made by any city, town, township, borough or other municipal or local authority by whatever name known or designated in respect to or limiting the use or speed of motor vehicles shall have any force, effect or validity.

(3) No person shall drive a motor vehicle upon any public street,

public highway, public road, public parkway, turnpike or public driveway in this state in a race or on a bet or wager.

(4) Every driver of a motor vehicle after knowingly causing an accident by collision or otherwise injuring any person, horse or vehicle shall forthwith bring his motor vehicle to a full stop, return to the scene of accident and give to any person demanding the same his name, the number of his driver's license and the registration number of the motor vehicle, and the names and residences of each and every male occupant of said motor vehicle.

PART VII.

Provisions concerning safety of traffic.

§ 23. The following rates of speed may be maintained, but shall not be exceeded, upon any public street, public road or turnpike, public park or parkway, or public driveway, or public highway, in this state by anyone driving a motor vehicle.

(1) A speed of one mile in seven minutes upon the sharp curves of a street or highway or when turning a corner, and a speed of one mile in four minutes at the junction or intersection of a prominent cross-road where such a street, road or highway passes through the open country. The term "open country" meaning where houses are an average more than one hundred feet apart.

(2) A speed of one mile in five minutes where such street or highway passes through the built-up portion of a city, town, township, borough or village where the houses are an average less than one hundred feet apart.

(3) A speed of one mile in four minutes within two hundred feet of any horse or other beast of draught or burden upon the same street or highway; *provided, however,* that such speed, not exceeding twenty miles per hour, shall be lawful in the open country, as may be necessary in order to pass a vehicle traveling in the same direction, but the speed shall be diminished forthwith if necessary to comply with the provisions of this act.

(4) Elsewhere and except as otherwise provided in subdivisions one, two and three of this section a speed of one mile in three minutes; *provided, however,* that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb or to injure the

property of any person; and it is further provided, that nothing in this section contained shall affect the right of any person injured, either in his person or property, by the negligent operation of a motor vehicle to sue and recover damages as heretofore; and *provided further*, that the foregoing provisions concerning the speed of motor vehicles shall not apply to any speedway built and maintained for the exclusive use of motor vehicles, if the said speedway at no point crosses any public street, avenue, road, turnpike, driveway or other public thoroughfare or any railroad or railway at grade, the said speedway having been constructed with the permission of the commissioners or the board of freeholders, as the case may be, of the county or counties in which said speedway shall be located; and *provided further*, that every person driving a motor vehicle shall, at request or upon signal by putting up the hand or otherwise from a person riding or driving a horse or horses in the opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow said horse or horses to pass.

§ 24. If a physician shall have his motor vehicle stopped for exceeding the speed limit while he is in the act of responding to an emergency call, the registration number of the vehicle and the driver's license number may be inspected and noted, and the physician shall then be allowed to proceed in the vehicle to his destination, and subsequently such proceedings may be taken as would have been proper had the person violating the provisions as to speed not been a physician.

§ 25. Motor vehicles belonging to the military establishment, while in use for official purposes in time of riot, insurrection or invasion, are exempt from the provisions of this act pertaining to speed.

PART VIII.

Proceedings.

§ 26. (1) A complaint having been made in writing and duly verified, that any person has violated any of the provisions of this act, any magistrate of the county, or recorder or police magistrate of any municipality, in which the offense is committed may, within thirty days after the commission of said offense, issue either a summons or a warrant directed to any constable, police officer, the inspector of motor vehicles or the commissioner of motor vehicles

of this state, for the appearance or arrest of the person so charged; and the magistrate shall state what section or provision of this act has been violated by the defendant, and the time, place and nature of said violation, and upon the return of said summons or warrant the said magistrate shall proceed, in a summary way, to hear and determine the guilt or innocence of such person, and, upon conviction, may impose upon the person so convicted the penalty, by this act prescribed, together with the costs of prosecution for such offense.

(2) Such magistrate, upon receiving complaint in writing, duly verified, of the violation of any provision of this act by any corporation, is hereby authorized and required to issue a summons directed to any constable, police officer, inspector of motor vehicles, or the commissioner of motor vehicles, of this state, requiring such corporation to be and appear before said magistrate on a day therein named, to answer to said complaint, which said summons shall be served on the president, vice-president, secretary, superintendent or manager of such corporation, or the agent upon whom other process against it may be served, at least five days before the time of appearance mentioned therein, and thereafter all proceedings shall be the same as against individuals, except where a different procedure is provided by this act.

§ 27. Any hearing to be held pursuant to this act shall, on the request of the defendant, be adjourned for a period not exceeding thirty days from the return day named in any summons, or from the return of any warrant, or from the date of any arrest without warrant, as the case may be, but in such case it shall be the duty of the magistrate to detain the defendant in safe custody, unless he shall make a cash deposit or enter into a bond to the state of New Jersey, with at least one sufficient surety, (unless said defendant shall himself qualify and justify, in real estate security situate in this state in twice the amount fixed by said magistrate for bond with a surety), to or in an amount not exceeding five hundred dollars conditioned for his appearance on the day to which the hearing may be adjourned, and thence from day to day, until the case is disposed of; and such bond, if forfeited, may be prosecuted by the commissioner of motor vehicles in any court of competent jurisdiction; and such cash deposit, if forfeited, shall be paid to said commissioner of motor vehicles by said magistrate with whom

the same shall have been deposited, to be by said commissioner disposed of as are other moneys coming to his hands under the provisions of section thirty-seven of this act; *provided, however,* that in lieu of said bond or cash deposit the person under arrest may leave with the magistrate the motor vehicle owned or driven by the said person.

§ 28. The defendant in any proceeding instituted under this act, may appeal from the judgment or sentence of the magistrate to the court of common pleas of the county in which such proceeding shall have taken place; *provided,* the said defendant shall, within ten days after the date of said judgment deliver to the magistrate a bond to the state of New Jersey, with at least one sufficient surety or make a cash deposit with him of such amount as the magistrate shall direct, not exceeding the amount of five hundred dollars, (unless said defendant can himself qualify and justify in real estate security in this state in twice said amount), conditioned to stand to and abide by such further order or judgment as may thereafter be made against said party; and *provided further,* that if the said magistrate shall have imposed a sentence of imprisonment, the defendant, if he does not duly appeal, shall be imprisoned forthwith upon the imposing of said sentence; but that an appeal properly taken in accordance with the provisions of this act shall be a stay of and upon the enforcement of a sentence of imprisonment, whether the execution of such sentence shall have been entered upon or not, as well as of such other judgment as may be pronounced; and *provided further,* that in lieu of the appeal bond in this section specified, and of the cash deposit therein provided for, the defendant may leave with the magistrate the motor vehicle owned or operated by the said defendant; and *provided further,* that if said defendant shall, after the rendition of said judgment or sentence, announce to said magistrate his intention to appeal therefrom, and either give the bond, make the deposit or leave the motor vehicle as herein provided, he shall have ten days from the date of the rendition of said judgment or sentence within which to complete his appeal, during which said ten days the execution of whatever sentence or judgment shall have been rendered, whether of imprisonment or fine, shall be stayed, and in case said defendant shall fail to complete his appeal within said ten days, the like proceedings may be had as would by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon.

§ 29. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the magistrate to send all papers, and all money, if any, deposited according to the provisions of this act, and all money paid for costs of prosecution, together with a transcript of the proceedings in the case, to the next court of common pleas, of the said county, which court shall, de novo, and in a summary way, try and determine all such appeals, and in case the judgment or sentence of the magistrate shall be reversed on such appeal, the said common pleas court shall order the return of all money deposited as aforesaid, and all costs of prosecution paid by said defendant to said defendant.

§ 30. Proceedings under this act may be instituted on any day of the week, and the institution of such proceedings on Sunday shall be no bar to the successful prosecution of the same; and any process served on Sunday shall be as valid as if served on any other day of the week.

§ 31. All proceedings for the violation of the provisions of this act shall be entitled and shall run in the name of the state of New Jersey, with the commissioner of motor vehicles or a motor vehicle inspector, or a police officer, or a constable, or such other person as shall by complaint institute the proceedings as prosecutor; and any magistrate may, at his discretion, refuse to issue a warrant on the complaint of any person other than the commissioner of motor vehicles or a motor vehicle inspector, until a sufficient bond to secure costs shall have been executed and delivered to the said magistrate.

§ 32. (1) Any constable, or police officer, or motor vehicle inspector or the commissioner of motor vehicles is hereby authorized to arrest without warrant any person violating in the presence of such constable, or police officer or motor vehicle inspector or the commissioner of motor vehicles any of the provisions of this act, and to bring the defendant before any magistrate of the county where such offense is committed. The person so offending shall be detained in the office of the magistrate until the officer making such arrest shall make oath or affirmation, which he shall do forthwith, declaring that the person under arrest has violated one or more of the provisions of this act, and specifying the provision or provisions violated, whereupon said magistrate shall issue a warrant returnable forthwith, and the said magistrate shall proceed summarily to hear or postpone the case as provided in sections twenty-six and twenty-seven of this act.

(2) Any person arrested for a violation of any of the provisions of this act shall upon demand of the magistrate hearing the complaint against said person, produce his license for inspection, and if said person shall fail to produce his license, or to give a satisfactory excuse for its non-production, he shall, in addition to any other penalties imposed by said magistrate, be subject to a fine of not more than twenty-five dollars.

§ 33. A summons or warrant issued by any magistrate in accordance with the provisions of this act, shall be valid throughout the state, and any officer who has power to serve the said summons or to serve said warrant and make arrest thereon in the county where the same shall have been issued, shall have like power to serve said summons and to serve said warrant and make arrest thereon in any of the several counties of this state. If any person shall be arrested for a violation committed in a county other than that in which the arrest shall take place, the person so arrested may demand to be taken before a magistrate of the county in which the arrest may have been made for the purpose of making a cash deposit, or of entering into a recognizance with sufficient surety; whereupon the officer serving the said warrant shall take the person so apprehended before a magistrate of the county in which the arrest shall have been made, who shall thereupon fix a day for the matter to be heard before the magistrate issuing the said wararnt, and shall take from the person apprehended a cash deposit or recognizance to the state of New Jersey with sufficient surety or sureties for the appearance of the said person at the time and place designated in accordance with the provisions of section twenty-seven of this act; the cash deposit or recognizance so taken shall be returned to the magistrate issuing the warrant, to be retained and disposed of by him as by this act provided.

§ 34. The same fees shall be allowed the magistrate and officers making an arrest or serving a summons in proceedings under this act as are allowed for like services in the small cause court and shall be paid by the defendant if the defendant be found guilty of the charge laid against him, but if, on appeal, said judgment be reversed, said costs shall be repaid to said defendant as herein-before provided. If the defendant be found not guilty of the charge or charges laid against him, then the costs must be paid by the prosecutor, except that when in such instances the commis-

sioner of motor vehicles or the inspector of motor vehicles, shall have been prosecutor, then the costs laid upon the prosecutor shall be paid by the commissioner of motor vehicles from the moneys remaining in his hands from the payment of registration fees, license fees or otherwise. In case of the reversal of any judgment on appeal the costs of the magistrate and on appeal shall be borne and paid by the unsuccessful party.

PART IX.

Punishments and penalties.

§ 35 Any person who shall be convicted of violating the provisions of sections fifteen and twenty-one of this act shall be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided*, that any offender who shall be convicted of a second offense of the same violation may be fined in double the amount herein prescribed for the first offense, and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days; *provided, further*, that the penalties above prescribed shall not apply to the display of a fictitious number.

Any person convicted of displaying a fictitious number as prohibited by section fifteen, or of violating the provisions of sections seventeen, nineteen or twenty of this act, shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding sixty days.

Any person who shall be convicted of a violation of subdivision four of section twenty-two of this act, shall be subject to a fine not exceeding two hundred and fifty dollars, or to imprisonment in the county jail for a period not exceeding thirty days.

Any person who shall be convicted of the violation of section sixteen of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of the violation of subdivision three of section twenty-two, or of section twenty-three of this act, shall for the first offense be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided*, that any offender who shall be con-

victed of a second or any subsequent offense of the same violation may be fined in double the amount herein prescribed for the first offense, or imprisoned in the county jail for a period not exceeding twenty days, and in addition to such penalties the license of said offender shall be revoked; *provided further*, that nothing herein contained shall prevent a revocation of license for the first offense, or for the violation of any other provision of this act.

Any person who shall be convicted of violating any of the following-named provisions of this act shall be subject to the penalties herein specified:

Of sections three, four or eighteen, a fine not exceeding ten dollars.

Of section six a fine not exceeding fifty dollars.

Of subdivision one of section twenty-two a fine not exceeding twenty-five dollars.

§ 36. It shall be lawful for a magistrate before whom any hearing under this act shall be had, to revoke the license of any person to drive motor vehicles when such person shall have been guilty of such willful violation of the provision of this act as shall in the discretion of the said magistrate justify such revocation, but an appeal of the matter to the court of common pleas shall act as a stay upon the said revocation, and the court of common pleas upon the appeal of the said matter shall have the power to void the said revocation; and the commissioner of motor vehicles shall at all times have the power to validate a license that has been revoked, or to grant a new license to any person whose license to drive motor vehicles shall have been revoked.

It shall be lawful for the justice of the supreme court holding the circuit in each of the counties of this state, upon application made to him by a verified petition for that purpose by any person against whom a judgment or sentence for the violation of any of the provisions of this act shall have been rendered, who may desire to have the legality of his conviction reviewed or the reasonableness of the sentence or penalty imposed, to order the said complaint, process, proceedings, evidence and record a conviction to be forthwith brought before him, that the legality of such proceedings and sentence, or judgment, or the reasonableness of the sentence or penalty may be summarily reviewed and determined; and if such proceedings and sentence or judgment shall thereupon be found to be illegal, or the sentence or penalty be unreasonable, forthwith to

set aside the same and to order the remission or reduction of any fine and costs that may have been imposed or the discharge of any offender from custody.

PART X.

MISCELLANEOUS.

§ 37. Moneys received in accordance with the provisions of this act, whether from fines, penalties, registration fees, license fees or otherwise, shall be accounted for and forwarded to the commissioner of motor vehicles, and by him paid over to the treasurer of the state of New Jersey to be appropriated annually to the commissioner of public roads, to be used as a fund for the repair of the improved roads throughout the state, and to be by the said commissioner apportioned once each year among the several counties of this state according to the mileage of improved roads in each county, the share apportioned each county to be used for the repair of improved roads in that county under the direction of the commissioner of public roads or his authorized representatives, and to be paid in the same manner as state funds are paid for the improvement of public roads under the act entitled "An act to provide for the permanent improvement of public roads in this state."

§ 38. The commissioner of public roads shall be authorized, and full power and authority are hereby given to him to have erected at such points throughout the state as to him shall seem necessary, cautionary warnings of dangerous crossings, steep declivities or other irregularities or perils of the roadway, at a cost, however, not to exceed, in the aggregate, three thousand dollars.

§ 39. When any motor vehicle shall have been deposited under this act in lieu of bond, this said motor vehicle shall be held the property of the state of New Jersey, subject to the same conditions as would govern the bond under like circumstances, and may be redeemed by the person depositing the same upon delivery of the requisite bond or upon paying such fine and submitting to such penalty as may be imposed; and unless the motor vehicle so deposited in lieu of bond shall be redeemed within ten days next following the date of the final determination of the matter, it shall be lawful for the commissioner of motor vehicles to sell the same at public auction and apply the net proceeds of said sale (the ex-

penses of the matter having been deducted), as set forth in section thirty-seven hereof.

§ 40. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

§ 41. This act shall take effect on July first, one thousand nine hundred and six; *provided, however,* that the organization of the department of motor vehicle registration and regulation shall be effected forthwith, and the registration of motor vehicles and licensing of drivers hereunder may be permitted for the convenience of owners and drivers of motor vehicles at such date earlier than the said July first, one thousand nine hundred and six, as the commissioner of motor vehicles may designate.

§ 42. Nothing in this act shall be construed to give jurisdiction to justices of the peace in any city having a police justice or recorder's court.

§ 43. All acts and parts of acts contrary to and inconsistent herewith are hereby repealed.

NEW YORK.

Short title.

SEC. 1. Subdivision 1. The short title of this act shall be the "Motor Vehicle Law." Except as otherwise herein provided, it shall be controlling, (1) upon the registration and numbering of motor vehicles and chauffeurs, (2) on their use of the public highways, and (3) on the penalties for the violation of any of the provisions of this act.

Definitions.

Subd. 2. The words and phrases used in this act shall, for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "Motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing herein contained shall, except as provided by subdivision four of section three of this act, apply to motor cycles, motor bicycles, traction engines or road rollers; (2) "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway or public place in any city, village or town; (3) "closely built up" shall mean, (a) the territory of a city, village or town contiguous to a public highway which is at that point built up with structures devoted to business, (b) the territory of a city, village or town contiguous to a public highway not devoted to business, where for not less than one-quarter of a mile the dwelling houses on such highway average less than one hundred feet apart, and also (c) the territory outside of a city or village contiguous to a public highway within a distance of one-half mile from any post-office, provided that for a distance of at least one-quarter of a mile within such limits the dwelling houses on such highway average less than one hundred feet apart, and provided further that the local authorities having charge of such highway shall have placed conspicuously thereon signs of sufficient size to be easily readable by a person

using the highway, bearing the words "Slow down to ten miles," and also an arrow pointing in the direction where the speed is to be reduced; (4) "local authorities" shall include all officers of counties, boroughs, cities, villages or towns, as well as all boards, committees, and other public officials of such counties, boroughs, cities, villages or towns; (5) "chauffeur" shall mean any person operating a motor vehicle as mechanic, employee or for hire.

Filing statement.

§ 2. Subdivision 1. Every person hereafter acquiring a motor vehicle shall, for every vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, on a blank to be prepared and furnished by such secretary for that purpose; the filing fee shall be two dollars.

Registration and record.

Subd. 2. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book or index to be kept for that purpose, and assign it a distinctive number.

Registration seal.

Subd. 3. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form, approximately two inches in diameter, and have stamped thereon the words "Registered Motor Vehicle, No. ——, New York Motor Vehicle Law," with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

Owners previously registered.

Subd. 4. If the vehicle has been previously registered, the certificate issued thereon shall be returned to the secretary of state and in lieu thereof such secretary shall issue to said owner a registration seal containing the number of such previous registration upon payment of a fee of one dollar. Upon the sale of a motor vehicle the vendor, except a manufacturer or dealer, shall, within ten days

return to the secretary of state the registration seal affixed to such vehicle.

Display of registration number.

Subd. 5. Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such vehicle in such manner as to be plainly visible, the numbers to be in Arabic numerals, black on white ground, each not less than three inches in height, and each stroke to be of a width not less than half an inch, and also as a part of such number the initial letters of the state in black on white ground, such letters to be not less than one inch in height.

Registration by manufacturers or dealers.

Subd. 6. A manufacturer or dealer in motor vehicles shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with subdivisions one, three, five, and eight of this section, until such vehicle shall be sold or let for hire. Nothing in this subdivision shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for private use or for hire.

Fictitious seal or number.

Subd. 7. No motor vehicle shall be used or operated upon the public highways after thirty days after this act takes effect which shall display thereon a registration seal or number belonging to any other vehicle, or a fictitious registration seal or number.

Unregistered vehicle not to be operated.

Subd. 8. No motor vehicle shall be used or operated upon the public highways after thirty days after this act takes effect, unless the owner shall have complied in all respects with this section, except that any person purchasing a motor vehicle from a manufacturer, dealer or other person after this act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a

period of five days after the purchase and delivery thereof, provided that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Exemption of non-resident owners.

Subd. 9. The provisions of this section shall not apply to motor vehicles owned by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as in this section provided.

Speed permitted.

§ 3. Subdivision 1. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one mile in six minutes, or elsewhere in a city or village at a greater rate than one mile in four minutes, or elsewhere outside of a city or village at a greater rate than one mile in three minutes; subject, however, to the other provisions of this act.

Speed at crossings, et cetera.

Subd. 2. Upon approaching a bridge, dam, sharp curve or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in fifteen minutes, and upon approaching a crossing of intersecting highways at a speed not greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Meeting horses, et cetera.

Subd. 3. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led or driven thereon, a person operating a motor

vehicle shall give reasonable warning of its approach, and use every reasonable precaution to ensure the safety of such person or animal, and in the case of horses or other draft animals, to prevent frightening the same.

Stopping on signal.

Subd. 4. A person operating a motor vehicle or motor cycle or motor bicycle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses or other draft animals, bring such motor vehicle, cycle or bicycle immediately to a stop, and if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided that, in case such horse or animal appears badly frightened or the person operating such motor vehicle is requested so to do, such person shall cause the motor of such vehicle, cycle or bicycle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others.

Giving name and address.

Subd. 5. In case of accident to a person or property on the public highways, due to the operation thereon of a motor vehicle, the person operating such vehicle shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and if not the owner, the name and address of such owner.

Speed tests and races.

Subd. 6. Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races to be conducted under proper restrictions for the safety of the public.

As bearing on this provision, see *Johnson v. City of New York*, 109 N. Y. App. Div. 821.

Rules of the road.

§ 4. Subdivision 1. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any other vehicle, the person so operating such motor vehicle shall seasonably turn the same to the right of the centre of such highway so as to pass

without interference. Any such person so operating a motor vehicle shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left. Nothing in this subdivision shall, however, be construed as limiting the meaning or effect of the provisions of section three of this act.

Brakes, lamps, horn, et cetera.

Subd. 2. Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with a suitable bell, horn or other signal and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction toward which such vehicle is proceeding, showing the registered number of the vehicle in separate Arabic numerals, not less than one inch in length and each stroke to be not less than one-quarter of an inch in width, and also a red light visible in the reverse direction.

Local ordinances prohibited.

Subd. 3. Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with section two of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which such vehicles may be operated, or the use of the public highways, contrary to or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; provided, however, that the

local authorities of cities and incorporated villages may limit by ordinance, rule or regulation hereafter adopted the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation not to be in any case less than one mile in six minutes in incorporated villages, and on further condition that such city or village shall also have placed conspicuously on each main public highway where the city or village line crosses the same and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words, "Slow down to — miles" (the rate being inserted) and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the penalties for violation thereof similar to and no greater than those fixed by such local authorities for violations of speed limitation by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in section six of this act, and provided further, that nothing in this act contained shall be construed as limiting the power of local authorities to make, enforce and maintain further ordinances, rules or regulations, affecting motor vehicles which are offered to the public for hire.

Parks, parkways and cemeteries excepted.

Subd. 4. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations, concerning the speed at which motor vehicles may be operated in any parks or parkways within a city, but, in that event, must by signs at each entrance of such park and along such parkway conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for the burial of the dead.

No effect on right to damages.

Subd. 5. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employee or agent.

Filing chauffeur's statement.

§ 5. Subdivision 1. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the secretary of state, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate, and shall pay a registration fee of two dollars.

Chauffeur's registration and record.

Subd. 2. The secretary of state shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Chauffeur's badge.

Subd. 3. The secretary of state shall forthwith, upon such registration and without other fee, issue and deliver to such chauffeur a badge of aluminum or other suitable metal, which shall be oval in form, and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words: "Registered chauffeur, No. —, New York Motor Vehicle Law," with the registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways. If the operator or chauffeur has previously been registered in the office of the secretary of state, the certificate heretofore issued to him shall be returned to such secretary, who shall issue to said operator or chauffeur, in lieu thereof, a chauffeur's badge upon the payment of a fee of one dollar.

Fictitious badge.

Subd. 4. No chauffeur, having registered as hereinabove provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge.

Unregistered chauffeur cannot operate.

Subd. 5. No person shall operate a motor vehicle as a chauffeur upon the public highways after thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this section.

Penalties for excessive speed, et cetera.

§ 6. Subdivision 1. The violations of any of the provisions of subdivision five of section two, or of subdivision seven of section two, or of section three, or of section five of this act, or of any ordinance, rule or regulation adopted by local authorities in pursuance of subdivision four of section four of this act, shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars for the first offense and punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both, for a second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment not exceeding thirty days for a third or subsequent offense.

Penalties for other violations.

Subd. 2. The violation of any other provision of this act shall be punished by a fine not exceeding twenty-five dollars for the first offense, a fine not less than twenty-five dollars nor more than fifty dollars for a second offense, and a fine not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding ten days, or both, for a third or subsequent offense.

Release from custody, bail, et cetera.

Subd. 3. In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this act, he shall be forthwith taken before an accessible captain or sergeant or acting sergeant of police in any city or village, or any justice of the peace or magistrate, and be entitled to an immediate hearing; and if such hearing cannot then be had be released from custody on giving a bond or undertaking executed by a fidelity or surety company organized under the laws of this state and having a deposit of at least two hundred thousand dollars with the superintendent of insurance of this state, said bond or undertaking to be in an amount not exceeding the maximum fine for the offense with which the owner is charged and to be conditioned for the owner's appearance in answer for such violation at such time and place as shall then be indicated; or on giving his personal undertaking to appear in answer for such violation, at such time and place as shall then be indicated, secured by the deposit of a sum equal to

the maximum fine for the offense with which he is charged, or in lieu thereof, by leaving the motor vehicle, being operated by such person with such officer; or in case such officer is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof, by leaving the motor vehicle, being operated by such person, with such officer provided, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour. In case security shall be deposited, as in this subdivision provided, it shall be returned to the person depositing, forthwith on such person giving a bond or undertaking of a fidelity or surety company, as in this section provided, or on such person being admitted to bail as provided in section five hundred and fifty-four of the code of criminal procedure, and the return of any receipt or other voucher given at the time of such deposit. In case such undertaking of a fidelity or surety company be not given, or such personal undertaking with security or such deposit shall not be made by an owner so taken into custody, the provisions of section five hundred and fifty-four of the code of criminal procedure, shall apply.

Acts repealed.

§ 7. All acts and parts of acts inconsistent herewith or contrary hereto are, so far as they are inconsistent or contrary, hereby repealed.

When this act takes effect.

§ 8. This act shall take effect immediately, except that no penalty shall be asserted or imposed for the violation of any of the provisions of section two or section five hereof committed prior to thirty days after this act takes effect.

NORTH CAROLINA.

County commissioners authorized to pass speed regulation.

SEC. 1. That section seven hundred and seven of the code be amended by adding at the end of subsection fifteen the following: "To regulate the speed of automobiles, motor cycles and other like vehicles on the public roads and bridges, and make such ordinances as they may deem necessary governing the same. Any person violating such ordinances shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dolalrs or imprisoned not exceeding thirty days. This act shall not apply to the counties of New Hanover and Mecklenburg.

Takes effect.

§ 2. That this act shall be in force from and after its ratification.

NORTH DAKOTA.

Speed rates.

SEC. 1. No person, driver or operator in charge of any automobile on any public road, highway or street within the state shall drive, operate or move, or permit to be driven, operated or moved at a rate of speed faster than eight (8) miles per hour within any city or village within the state, or at a rate faster than fifteen (15) miles per hour on any public road or highway outside of any city or village, nor over any crossing or crosswalk within the limits of any city or village at a rate of speed faster than four (4) miles per hour when any person is upon the same.

Muffler, lamps, bell, uses thereof.

§ 2. Every automobile using gasoline as motive power shall use "the muffler" so-called, when operated, driven or moved upon the public road or highway or street within the state. Every automobile shall be provided with a bell or horn which, when operated outside of a city or village, shall be rung or blown by the driver or operator when approaching from behind a vehicle propelled by horses at a distance of at least fifteen (15) rods, and which bell or horn shall be rung or blown when operated within city or village wherever there is danger of collision or accident. Every such automobile shall also be provided with at least one lighted lamp suitable for such automobile when operated, driven or moved during the hours of darkness.

Law of the road.

§ 3. The driver or operator of any automobile shall be governed by the usual law of the road by turning to the right in meeting vehicles, teams and persons moving or headed in an opposite direction, and by turning to the left in passing vehicles, teams and persons moving or headed in the same direction.

Stopping on signal.

§ 4. The driver or operator in charge of any automobile on any public road or highway outside the limits of any incorporated city

within the state when signalled by the driver of any vehicle propelled by horses, shall stop said automobile until the other vehicle has passed.

Punishments for violation.

§ 5. Any person whether driver or operator of any such automobile or the owner thereof whose agent the driver or operator shall be, who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine not less than five dollars and not more than fifty dollars, or imprisonment in the county jail not less than five days nor more than thirty days, or by both such fine and imprisonment. And in addition thereto shall be liable for damages in a civil action to any person who shall have been injured in person or property by reason of any such violation.

Takes effect.

§ 6. Whereas, an emergency exists in this, that there is no law in this state regulating the operation of automobiles, this act shall be in full force and effect from and after its passage and approval.

OHIO.

Definitions.

SEC. 1. The words and phrases used in this act, shall, for the purpose of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "Motor vehicles" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing herein contained shall, except as provided by section fourteen of this act, apply to motor cycles, motor bicycles, traction engines or road rollers; (2) "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway or public place in the city, village or town; (3) and "closely built up" shall mean, (a) the territory of a city, village or town contiguous to a public highway which is at that point built up with structures devoted to business, (b) the territory of a city, village or town contiguous to a public highway not devoted to business, where for not less than one-quarter of a mile the dwelling houses on such highway average less than one hundred feet apart, and also (c) the territory outside of the city or village contiguous to a public highway within the distance of one-half mile from any post-office, provided that for a distance of at least one-quarter of a mile within such limits the dwelling houses on such highways average less than one hundred feet apart, and provided further that the local authorities having charge of such highways shall have placed conspicuously thereon signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to ten miles," and also an arrow pointing in the direction where the speed is to be reduced; (4) "local authorities" shall include all officers of counties, boroughs, cities, villages or towns, as well as all boards, committees and other public officials of such counties, cities, villages or towns; (5) "chauffeur" shall mean any person operating a motor vehicle as a mechanic, employee, or for hire.

Owner's application, filing fee and registration.

§ 2. Every person hereafter acquiring a motor vehicle shall, for each vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, on a blank to be prepared and furnished by such secretary for that purpose; the filing fee shall be five dollars, for each machine having less than thirty horse power; the secretary of state shall send to the auditor of the county in which each such vehicle is owned, a copy of the statement filed with such secretary of state together with the registration number as provided in section four of this act. And the auditor of each county shall keep a record book of such statements and numbers, said book to be furnished by the secretary of state, and three dollars in addition thereto for each additional ten horse power.

Duties of assessors and auditors, owner's license and fee.

§ 2a. Each assessor shall on separate blanks return to the county auditor with his other reports, the name of each person in his territory who owns any motor vehicles together with a statement of how many owned, the state number of the same if numbered and the horse power of each. Each auditor shall upon receipt of same file a copy with the secretary of state. No motor vehicle owned in this state shall after twelve months after the date of filing the statement and paying the fee as required in section two of this act, be operated upon any road, street or alley in this state, except upon receiving a license to operate such machine from the secretary of state. The secretary of state is hereby authorized and required to issue such license annually upon application and the payment to the secretary of state by the applicant of a license fee of five dollars for each machine whose horse power does not exceed thirty. For all motor vehicles having a horse power in excess of thirty there shall be paid in addition to the five dollars charged for machines whose horse power does not exceed thirty, three dollars for each and every ten horse power over thirty. Such license shall entitle the owner of such motor vehicle or his authorized agent to operate such motor vehicle so licensed for one year from the date of granting of same. Any license may be renewed upon the payment of the annual license fee as herein provided.

Filing statement, registration and number.

§ 3. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book or index to be kept for that purpose, and assign it a distinctive number.

Seal, registration number, display of.

§ 4. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal which shall be circular in form approximately two inches in diameter, and has stamped thereon the words "Registered motor vehicle No. ——" with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

Previously registered vehicles, fees on sale.

§ 5. If the vehicle has been previously registered, the certificate issued thereon shall be returned to the secretary of state and in lieu thereof such secretary shall issue to said owner a registration seal containing the number of such previous registration, upon payment of a fee of one dollar. Upon the sale of a motor vehicle, the vendor, except a manufacturer or dealer, shall, within ten days, return to the secretary of state the registration seal affixed to such vehicle.

Display of number assigned.

§ 6. Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such vehicle in such manner as to be plainly visible, the numbers to be in Arabic numerals, white on black ground, each not less than four inches in height, and each stroke to be of a width not less than half an inch, and also as a part of such number and preceding the same the first two letters in the name of the state, in white on black ground, such letters to be not less than four inches in height.

Manufacturer's or dealer's registration, seals and fee.

§ 7. A manufacturer of or dealer in motor vehicles shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each

type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with sections two, four, six and nine until such vehicle shall be sold or let for hire. Nothing in this section shall be construed to apply to a motor vehicle employed by manufacturer or dealer for private use or hire.

Fictitious seal or number.

§ 8. No motor vehicle shall be used or operated upon the public highways after June 1, 1906, which shall display thereon a registration seal or number belonging to any other vehicle, or a fictitious registration seal or number.

Compliance with section necessary to operate, exception.

§ 9. No motor vehicle shall be used or operated upon the public highways after June 1, 1906, unless the owner shall have complied in all respects with this section, except that any person purchasing a motor vehicle from a manufacturer, dealer or other person after this act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a period of five days after the purchase and delivery thereof provided that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Non-resident owners.

§ 10. The provisions of this section shall not apply to motor vehicles owned by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initials of such states, territory or federal district shall be displayed on such vehicle substantially as in this section provided.

General speed regulations.

§ 11. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper,

having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one mile in six minutes, or elsewhere in a city or village at a greater rate than one mile in four minutes, or elsewhere outside of a city or village at a greater rate than one mile in three minutes; subject, however, to the other provisions of this act.

Special speed rates.

§ 12. Upon approaching a bridge, dam, sharp curve, or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in fifteen minutes and upon approaching a crossing of intersecting highways, at a speed not greater than is reasonable and proper having regard to the traffic then on such highway and the safety of the public.

Duties on meeting horses, et cetera.

§ 13. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led, or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in the case of horses or other draft animals, to prevent frightening the same.

Stopping on signal, et cetera.

§ 14. A person operating a motor vehicle or motor cycle or motor bicycle shall, at request or on signal, by putting up the hand, from a person riding, leading or driving a restive horse or horses, or other draft animals, bring such motor vehicle, cycle or bicycle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided, that, in case such horse or animal appears badly frightened or the person operating such motor vehicle is requested so

to do, such person shall cause the motor of such vehicle, cycle or bicycle to cease running so long as shall be reasonably necessary to prevent an accident and insure the safety of others.

Name to be given in case of accident.

§ 15. In case of accident to a person or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such vehicle, shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

Local speed tests or races.

§ 16. Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

Rules of the road.

§ 17. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals or any other vehicle, the person operating such motor vehicle shall reasonably turn the same to the right of the center of such highway, so as to pass without interference. Any such person so operating a motor vehicle shall, on overtaking such horse, draft animal or other vehicle pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall at the intersection of public highways, keep to the right of the intersection of the center of such highways, when turning to the right and pass to the right of such intersection when turning to the left. Nothing in this section shall, however, be construed as limiting the meaning or effect of the provisions of section eleven of this act.

Brakes, bell and lamps.

§ 18. Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with a suit-

able bell, horn or other signal and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction toward which such vehicle is proceeding, showing the registered number of the vehicle in separate Arabic numerals, not less than one inch in height and each stroke to be not less than one-quarter of an inch in width, and also a red light visible in the reverse direction.

Powers of local authorities.

§ 19. Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with section two of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which said vehicles may be operated, or the use of the public highways, contrary to or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; provided, however, that the local authorities of cities and incorporated villages may limit, by ordinance, rule or regulation hereafter adopted the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation may not be in any case less than one mile in six minutes in incorporated villages, and on further condition that such city or village shall also have placed conspicuously on each named public highway where the city or village line crosses the same, and on every named highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to — miles" (the rate being inserted) and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation

shall fix the penalties for the violation thereof similar to and no greater than those fixed by such local authorities for violations of speed limitations by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in section twenty-seven of this act, and provided further, that nothing in this act contained shall be construed as limiting the powers of local authorities to make, enforce and maintain, further ordinances, rules or regulations, affecting motor vehicles which are offered to the public for hire.

Speed in parks and parkways.

§ 20. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any parks or parkways within a city, but, in that event, must, by signs at each entrance of such park and along such parkway, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for the burial of the dead.

This act not to affect right to prosecute action for damages for injuries.

§ 21. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employee or agent.

Chauffeur's application and registration fee.

§ 22. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of secretary of state, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate; and shall pay a registration fee of two dollars.

Filing, registration and number.

§ 23. The secretary of state shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Chauffeur's badge and number, display of same.

§ 24. The secretary of state shall forthwith upon such registration and without other fee issue and deliver to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words "Registered chauffeur No. ——" with the registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways.

Badges to be used only by person to whom issued.

§ 25. No chauffeur, having registered as herein above provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to any other person, or a fictitious badge.

Compliance with section requisite to operate as chauffeur.

§ 26. No person shall operate a motor vehicle as a chauffeur upon the public highways after June 1, 1906, unless such person shall have complied in all respects with the requirements of this section.

Punishment for violations.

§ 27. The violation of any of the provisions of section six or of section eight, or of section eleven, or of section twenty-two, or of section two-a of this act, or of any ordinance, rule or regulation adopted by local authorities in pursuance of section twenty of this act, shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars for the first offense, and punishable by a fine not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both, for second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment, not exceeding thirty days for a third or subsequent offense.

Further punishment for violations.

§ 28. The violation of any other provision of this act shall be punished by a fine not exceeding twenty-five dollars for the first

offense, and a fine not less than twenty-five dollars nor more than fifty dollars for a second offense, and a fine not less than fifty dollars nor more than one hundred dollars or imprisonment not exceeding ten days, or both, for a third or subsequent offense.

Arrest, hearing, bail and trial.

§ 29. In case the owner of a motor vehicle shall be taken into custody because of the violation of any provision of this act, he shall be forthwith taken before an accessible captain or sergeant or acting sergeant of police in any city or village, or any justice of the peace or magistrate, and be entitled to an immediate hearing; and if such hearing can not then be had, be released from custody on giving such undertaking, as is required by law, to appear in answer for such violation, at such time and place as shall then be indicated secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof by leaving the motor vehicle, being operated by such person, with such officer; or, in case such officer is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest and depositing with such officer a sum equal to the maximum fine for the offense for which said arrest is made, or in lieu thereof, by leaving the motor vehicle, being operated by said person, with such officer, provided, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour.

Disposition of fees.

§ 30. The fees received under the provisions of this act shall be paid monthly by the secretary of state into the treasury of the state and placed to the credit of the department of highways to be expended for the actual construction of improved roads according to the provisions of an act entitled "An act to establish a state highway department by the appointment of a state highway commissioner and assistants and defining the powers and duties of the office, and to provide for a system of state, county and township co-operation in the permanent improvement of public highways," passed April 18, 1904, O. L., Vol. 97, and such expenses as

may be necessary in carrying out the provisions of this act shall be paid out of the said fund.

Act takes effect.

§ 31. This act shall take effect and be in force June 1, 1906.

C. A. THOMPSON,

Speaker of the House of Representatives.

JAMES M. WILLIAMS,

President Pro Tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the Governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,

Secretary to the Governor.

The following act of April 23, 1904, not having been expressly repealed, is also given herewith:

§ 3490. All persons driving carriages or vehicles of any description on any public turnpike, road or highway of this state, shall, on meeting carriages or vehicles of any description keep to the right so as to leave half of the road free, and all persons riding on horseback, or on bicycle, tricycle, tandem bicycle, locomobile, automobile, or motor vehicle, shall, on meeting carriages or vehicles of any description, keep to the right so as to leave two-thirds of the road free; provided, however, that any person operating a locomobile, automobile, motor cycle, or other motor vehicle, on any public highway or in any public place, shall not operate the same at a rate of speed greater than is reasonable and proper, having regard to the use in common of such highway or place, or so as to endanger the life or limb of any person, and in no event shall such locomobile, automobile, motor cycle, or other motor vehicle, be operated at a greater rate of speed than eight miles an hour in the business and closely built up portions of any municipality of this state, nor more than fifteen mile an hour in the other portions of such municipalities, nor more than twenty miles an hour outside of such municipalities, which rates of speed shall not be

diminished nor prohibited by any ordinance, rule or regulation of any municipality, board, or other public authorities; and provided that any person or persons operating a locomobile, automobile, motor cycle, or other motor vehicle, shall at request or on signal by putting up the hand, from a person riding, leading or driving a horse or horses, or other animal, bring such locomobile, automobile, motor cycle, or other motor vehicle, immediately to a stop, and if traveling in the opposite direction shall remain stationary so long as may be reasonably necessary to allow such horse or animal to pass, (and in case such horse or animal appear to be frightened, and he is requested so to do, the person operating such locomobile, automobile, motor cycle, or other motor vehicle, shall cause the motor thereof to cease running so long as shall be necessary to prevent accident and insure the safety of persons using such public highway or public place), and if traveling in the same direction, use reasonable care and caution, in thereafter passing such horses or animals, and be under the same restrictions as are herein provided relating to stopping at request or on signal by putting up the hand; and provided, that such locomobile, automobile, or other like motor vehicle, shall during the period from one hour after sunset to one hour before sunrise, exhibit a lamp or lamps showing a white light or lights for a reasonable distance in the direction towards which such vehicle is proceeding and also showing a red light or lights in the reverse direction, and shall also be provided with (and use at all proper and necessary times) a good and efficient brake and a suitable bell, horn, or other signal. If any person purposely and wilfully neglects or refuses to comply with any of the provisions of this section, or in any other manner wilfully hinders or purposely obstructs any person in the free passage of any such road or highway, or shall ride a bicycle, tricycle, or tandem bicycle on the sidewalk or footpath of any unincorporated village, he shall, on conviction thereof, before any justice of the peace or other court having jurisdiction, for every [such] offense be fined in any sum not less than five dollars nor more than fifty dollars, for the use of the common schools of the county in which prosecution is had.

Passed April 22, 1904.

Approved April 23, 1904.

MYRON T. HERRICK, *Governor.*

Constitutionality of Ohio law.

In connection with the recent law of Ohio, the following letter, sent out by the Secretary of State, is of interest:

“MAY 8, 1906.

DEAR SIR:

I am advised by the Attorney-General that the act of April 2, 1906, requiring registration of motor vehicles in this department, and obtaining license to operate same, is unconstitutional for the following reasons:

1. It is not uniform in its operations.
2. It deprives municipalities of the power to regulate the use of its streets as to a certain class of vehicles.
3. Its provisions are indefinite and uncertain.

I am also advised by him not to incur further liability, nor to take other official action thereunder until this act is construed, or its validity determined by a court of competent jurisdiction. The Secretary of State will be governed by the foregoing advice of the Attorney-General.

Yours respectfully,

LEWIS C. LAYLIN,
Secretary of State.”

OREGON.

Compliance with statute essential.

SEC. 1. No automobile, motor vehicle or motor cycle shall be used or operated on any public highroad, highway, park or parkway, street or avenue within this state until the owner shall have complied with sections two, four and five, of this act.

Owner's registration and certificate.

§ 2. The owner of every automobile, motor vehicle or motor cycle shall file in the office of the secretary of state a statement of his name and address, together with a brief description of every such vehicle owned by him, and shall obtain from said secretary of state a numbered certificate for each of said vehicles, which certificate shall state the name of the owner of such vehicle, and that he has registered in accordance with the provisions of this act. These certificates shall be numbered consecutively, beginning with one.

Record.

§ 3. The secretary of state shall keep a record of all such statements and of all certificates issued by him with their numbers.

Fee.

§ 4. The fee for issuing such certificates shall be three dollars.

Certificate number displayed.

§ 5. The number of each certificate, preceded by the letters "Ore.", shall be displayed upon the back of such automobile, motor vehicle or motor cycle in light colored Arabic numerals at least three inches high, on a dark background.

Non-residents exempt.

§ 6. The provisions of the preceding sections shall not apply to automobiles, motor vehicles or motor cycles owned or operated by

non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners of automobiles, motor vehicles or motor cycles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory, or federal district shall be displayed on such vehicle substantially as provided by section five of this act.

Number painted on lamp.

§ 7. Every automobile, motor vehicle or motor cycle, when driven on any public road, highway, park or parkway, street or avenue, within this state, shall during the hours of darkness have fixed upon some conspicuous part thereof at least one lighted lamp, showing white to the front and red to the rear, and shall have the license or certificate number of said vehicle painted in dark Arabic numerals across the white glass of said lamp.

Muffler, brakes, meeting and passing.

§ 8. Every automobile, motor vehicle or motor cycle using gasoline as motive power shall use the "muffler," so-called, and the same shall not be cut out or disconnected within the limits of any city or village within this state. Every automobile, motor vehicle or motor cycle shall be provided with good and efficient brakes. The driver or operator of every automobile, motor vehicle or motor cycle shall be governed by the usual law of the road by turning to the right in meeting vehicles, teams and persons moving or headed in the opposite direction, and by turning to the left in passing vehicles, teams and persons moving or headed in the same direction.

Meeting horses.

§ 9. Every person having control or charge of any automobile, motor vehicle or motor cycle, whenever upon any public street or way, and approaching any vehicle drawn by a horse or horses or any horse upon which any person is riding, shall operate and manage and control such automobile, motor vehicle or motor cycle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the

same. And if such horse or horses appear frightened the person in control of such motor vehicle shall reduce its speed, and, if requested by signal or otherwise by the driver of such horse or horses, shall not proceed further toward such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver.

Speed permitted.

§ 10. No person, driver or operator in charge of any automobile, motor vehicle or motor cycle on any public road, highway, park or parkway, street or avenue within the state, shall drive, operate or move, or permit the same to be driven, operated or moved at a rate of speed faster than eight miles an hour within the thickly settled or business portion of any village or city within this state, nor faster than eight miles an hour in the country when within one hundred yards of any vehicle drawn by horse or horses, nor outside of such thickly settled or business portion of any city or village on any public road, highway, park or parkway, street or avenue at a rate of speed faster than (1) one mile in (2½) two and one-half minutes, nor over any crossing or crosswalk within the limits of any city or village at a rate faster than one mile in (15) fifteen minutes when any person is upon the same.

Racing forbidden.

§ 11. No person driving or in charge of any automobile, motor vehicle or motor cycle on any highway, townway, public street, avenue, driveway, park or parkway, shall drive the same at any speed greater than is reasonable and proper, having regard for the traffic and use of the way by others, or so as to endanger the life or limb of any person; and racing any such vehicle on any such ways or parks is hereby forbidden.

Arrest and bail.

§ 12. Any proper officer who shall arrest the owner or driver of an automobile, motor vehicle or motor cycle for an infraction of any part of this act shall take said person immediately before a magistrate and said magistrate shall hear said case at once, or, upon request of defendant and depositing fifty dollars as bail, he shall adjourn said hearing for a time not less than twenty-four

hours nor more than five days. If it be impossible to find a magistrate within a reasonable time from said arrest, then the arresting officer shall accept bail in the sum of fifty dollars for the appearance of the defendant at the proper time.

Penalties for violations.

§ 13. The violations of any of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding twenty-five dollars for the first offense, nor exceeding fifty dollars for the second offense, nor exceeding one hundred dollars for any succeeding offense.

Repeal.

§ 14. All acts and parts of acts inconsistent herewith or contrary hereto are, so far as they are inconsistent or contrary, hereby repealed.

Filed in the office of the secretary of state February 21, 1905.

PENNSYLVANIA.

License, where procured.

SEC. 1. Be it enacted, et cetera, that no motor vehicle, whether propelled by steam, gas or electricity, shall be operated or driven upon any public street or public highway in any city, borough, county or township in this commonwealth until the operator thereof shall have procured a license from the state highway department of this commonwealth, as hereinafter provided.

Application for license.

§ 2. Every applicant for a license shall set forth, in writing, verified by oath or affirmation, the name and residence of the applicant. No license shall be issued to any person who is under eighteen years of age.

Registration and record, tags, et cetera.

§ 3. It shall be the duty of the state highway department to enter every such application in a book to be kept for that purpose, and, if all the requirements of section two of this act have been complied with, to issue a license to the applicant, and to furnish therewith two tags, containing the license number, not less than five inches in height, and the number of the year; for such license the applicant shall pay the sum of three dollars, which sum shall be appropriated to the use of the said state highway department.

License.

§ 4. Every such license issued shall contain the name of the license, the date of license, and the number of the license under which the said vehicle is licensed, together with the number of the book and page in which the same is entered. The license shall not be effective until the license number is posted in a conspicuous place, both in back and front of the said vehicle. Not more than one state license number shall be carried upon the front and back

of the said vehicle while operated or used on any of the public streets or public highways, as aforesaid; and a license number obtained in any other place or state shall be removed from said vehicle while the vehicle is being used within this commonwealth.

Speed permitted, local ordinances.

§ 5. No person or persons shall be allowed to use, operate or drive any motor vehicle, as aforesaid, upon any of the public streets or public highways of the cities, boroughs, counties or townships of this commonwealth at a speed greater than a mile in six minutes, within the corporate limits of any of the cities and boroughs thereof; outside of the corporate limits of any city or borough, as aforesaid, the lawful rate of speed shall not exceed one mile in three minutes. Provided, that in townships of the first class the commissioners thereof may, by ordinance, fix a speed rate of not less than one mile in six minutes, in such sections of said township as they may deem such rate necessary for public safety: Provided, however, in the sections where such speed limit is fixed, the commissioners shall cause signs to be placed, at distances of not over one-half mile apart, which signs shall be readable from the highways, and shall set forth the speed limit and the penalty for the violation thereof: Provided further, that this section shall not permit any person or persons to drive an automobile at a greater speed than is reasonable, regarding traffic, danger, or injury to property or person, at any time or at any place.

Tags, lamps, bell, brakes, stopping on signal.

§ 6. Any person using or operating a motor vehicle upon the public streets or public highways, as aforesaid, shall have displayed in a conspicuous place on the front and back of said vehicle, the tags furnished by the state highway department, accompanying his license for that year; and one hour after sunset he shall have the number in the back of the machine sufficiently lighted, so as to be plainly distinguishable. Every such motor vehicle shall carry, during the period from one hour after sunset to one hour before sunrise, at least one fixed lighted lamp, showing a white light, visible at least one hundred feet in the direction towards which the vehicle is proceeding, and shall also exhibit one red light, visible in the reverse direction. Every motor vehicle shall also be provided with good and sufficient brake or brakes, and

shall also be provided with bell, horns or other signal device. Every operator or user thereof shall sound the gong or other alarm when approaching a street crossing or road crossing; and shall have no more right of way, or preference as to the use of such street or road, than the driver of a vehicle about to be passed, but shall stop the motor vehicle, when signaled to do so by the driver of any horse or other animal, until the animal or animals have passed or have been passed by said motor vehicle.

Inspection and term of license.

§ 7. Every person so licensed shall carry with him, when using or operating such motor vehicle upon the public streets or the public highways aforesaid, his license, and when so required by any constable or police officer of this commonwealth shall produce the license for inspection. No license issued shall be valid for a longer period than one year. It may be issued on the first day of January, or at any time thereafter, but shall expire on the thirty-first day of December next ensuing.

Arrest, bail.

§ 8. The constables and police officers of the cities, boroughs and townships of this commonwealth may arrest, upon view and without warrant, any person or persons violating any of the provisions of this act: Provided, that in the event of an arrest for violation of any of the provisions of this act, if the defendant is unable to give sufficient bail for a hearing or for his appearance at court, the magistrate before whom he is first taken shall, in lieu of such bail, hold in custody the motor vehicle found in possession of the defendant; and the court, after the trial of the defendant, if no sufficient bail according to law has been given in the meantime, shall make such order as to the disposition of such motor vehicle as to it shall seem just and proper.

Actions for damages, where brought, service of process.

§ 9. All civil actions for damages arising from the use and operation of any motor vehicle, as aforesaid, may be brought in the city or county in which the alleged damages were sustained, and service of process may be made by the sheriff in person, or by his deputy, in any part of this commonwealth, in like manner as process may now be served in the proper county.

Penalties.

§ 10. Any person violating any of the provisions of this act shall be subject to a fine or penalty of not less than ten dollars nor more than twenty-five dollars, to be collected by summary conviction before any magistrate or justice of the peace, as like fines and penalties are now by law collectible; or, in case of non-payment of the fine within forty-eight hours, to undergo an imprisonment in the county jail for a period not exceeding ten days. Any person or persons who, having been previously convicted before a magistrate or justice of the peace of this commonwealth of any violation of the provisions of this act, upon commission of the second or a subsequent offense shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not less than twenty-five dollars nor more than one hundred dollars; or, in case of non-payment of such fine, to undergo an imprisonment in the county jail for a period not exceeding thirty days. Upon conviction of a second violation of the provisions of the act, certified to the state highway commissioner, the license issued to such person, so convicted, shall immediately be revoked by the state highway commissioner, and shall not be reissued for the space of six months after such revocation.

Fines, to whom paid, and how expended.

§ 11. All fines and penalties collected under the provisions of this act shall be paid to the city, borough or township treasurer, wherein the offense is committed, and the same shall be expended by said city, borough or township for the benefit of the public roads.

Limitations of act.

§ 12. This act shall not apply to any race course or private road, nor to any passenger railway or steam railroad confined to tracks, nor to steam or other street rollers, nor to any of the motor vehicles which any manufacturer or vendor of automobiles may have in stock for sale, and not for hire or for his private use.

The above section has been held to be inoperative and futile by the Attorney-General's Department of Pennsylvania, but it does not seem that such a view can be sound considering the express provisions of the statute. See *In re Automobile Acts*, 15 Pa. Dist Rep. 83.

Takes effect January 1, 1906.

§ 13. This act shall take effect on the first day of January, Anno Domini one thousand nine hundred and six.

Inconsistent acts repealed.

§ 14. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved the 19th day of April, A. D. 1905.

SAML. W. PENNYPACKER.

RHODE ISLAND.

Registration, record and certificate.

SEC. 1. All automobiles, motor cars, and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the secretary of state, upon blanks prepared under his authority. The application shall contain a statement of the name, place of residence, and address of the applicant, with a brief description of the automobile, motor car or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. Said secretary of state shall then register, in a book to be kept for the purpose, the automobile, motor car or motor cycle described in the application, giving to such automobile, motor car or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate or registration. Said certificate shall contain the name, place of residence, and address of the applicant, and the registered number or mark; shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile, motor car or motor cycle. A proper record of all applications and of all certificates issued shall be kept by the said secretary of state at his office, and shall be kept open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile, motor car, or motor cycle described therein. Upon the sale of any automobile, motor car, or motor cycle its registration shall expire, and the vendor shall immediately return the certificate of registration to said secretary of state, with notice of the sale, and of the name, place of residence, and address of the vendee.

Manufacturer's or dealer's registration.

§ 2. Every manufacturer of or dealer in automobiles, motor cars or motor cycles may, instead of registering each automobile,

motor car or motor cycle owned or controlled by him, make application, upon a blank provided by said secretary of state, for a general distinguishing number or mark, and said secretary of state shall, if the facts stated in said application are true, grant said application and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said secretary of state may determine; and all automobiles, motor cars, motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such license shall be ten dollars.

Operation forbidden unless registered and number displayed.

§ 3. Except as otherwise provided herein, no automobile, motor car or motor cycle shall, after the first day of June, nineteen hundred and four, be operated upon any public highway or private way unless registered as above provided, and the registered number or mark of every automobile, motor car and motor cycle operated as aforesaid shall at all times plainly be displayed thereon in Arabic numerals not less than three inches long, and conforming in this and other details to the requirements prescribed by said secretary of state in his certificate of registration.

Meeting horses, et cetera.

§ 4. Every person having control or charge of an automobile, motor car, or motor cycle, shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses, or approaching any horse upon which any person is riding, operate, manage and control such automobile, motor car or motor cycle in such manner as to exercise every reasonable precaution to prevent frightening of such horse or horses and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear to be frightened, the person in control of such automobile, motor car or motor cycle shall reduce its speed, and shall not proceed farther towards such animal unless such movement be necessary to avoid accident or injury, or until such

animal appears to be under the control of its rider or driver, and in case of extreme fright shall reduce the motive power to a full stop.

Brake, muffler, bell and lamps.

§ 5. Every automobile, motor car or motor cycle operated in this state shall be provided with an adequate brake, with a muffler, and with a suitable bell, horn or other means of signalling, and shall during the period from one hour after sunset and one hour before sunrise, display such lights as shall be approved by said secretary of state. Automobiles, motor cars or motor cycles owned by non-residents of this state and driven by a person residing and registered in some other state may be operated on the roads and highways of this state.

Safety devices to prevent vehicle being set in motion.

§ 6. Every automobile, motor car or motor cycle shall be provided with a lock, key or other device to prevent said vehicle from being set in motion and no person shall allow any such vehicle operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway or other public place without first locking or making fast the vehicle as above provided.

Definition of terms.

§ 7. The terms "automobile," "motor car" and "motor cycle" as used in this act shall include all vehicles propelled by power other than muscular power, excepting railroads and railway cars and motor vehicles running only upon rails or tracks, and steam road rollers.

Money from fees to be applied to support of public roads.

§ 8. All money collected for registration and license fees and fines under the provisions of this act shall go to the support of public roads in this state under the direction of the state board of public roads. And no fees shall be allowed or retained by said secretary of state out of any money received by him under this act.

Local ordinances.

§ 9. Town councils of the several towns may exclude automobiles, motor cars and motor cycles from certain roads in their

respective towns, and shall designate such roads by public signs; Provided, that such roads excluded shall not include state roads or main highways leading from town to town.

Punishment for violation of this act.

§ 10. Any person convicted of violating any of the provisions of this act shall be punished by a fine not exceeding twenty dollars, or by imprisonment not exceeding three months.

Act shall take effect when passed.

§ 11. This act shall take effect from and after its passage.

SOUTH CAROLINA.

Speed must be reasonable, not greater than fifteen miles per hour.

SEC. 1. Be it enacted by the general assembly of the state of South Carolina, that no person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper at the time and place, having regard to the traffic and use of the highway, and its condition, or so as to endanger the life, limb or property of any person, or in any event at a greater rate than fifteen miles an hour, subject, however, to the other provisions of this act.

Speed at crossings, et cetera.

§ 2. Upon approaching a crossing of intersecting public highways, or a bridge, or a sharp curve, or a steep descent, and also in traversing such crossing, bridge, curve or descent, a person operating a motor vehicle shall have it under control, and operate it at the rate of speed no greater than six miles an hour, and in no event greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Duties when meeting horses, et cetera.

§ 3. Upon approaching a person walking in the roadway of a public highway or a horse or other draft animals, being ridden or driven thereon, a person operating a motor vehicle shall give warning of its approach by signaling with a horn, bell or otherwise not calculated to frighten such animals, and use every reasonable precaution to insure the safety of such person or animals, and, in the case of horses or other draft animals, to prevent frightening the same, and at once reduce the speed at which such vehicle is being operated and hold same under control, and if such horses or other draft animals appear frightened, to reduce the speed to not more than one-half the speed permitted by section two, and bring same to stop if apparently necessary for the

safety of such person or animal, having due regard to safety of passengers in such motor vehicle.

Stopping on signal.

§ 4. A person operating a motor vehicle shall, at request or upon signal by putting up the hand, from a person riding or driving a restive horse or horses, or other draft animals bring such motor vehicle immediately to a stop, if necessary, having due regard for safety of persons, vehicles and animals, and if traveling in opposite direction, remain stationary so long as may be reasonable to allow such horses or animals to pass, and if traveling in the same direction, use reasonable caution in thereafter passing such horses or animals: Provided that in case such horse or animal appears badly frightened, or he is requested to do so the person operating such motor vehicle shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of persons, vehicles and animals.

Rules of the road.

§ 5. Whenever a person operating a motor vehicle shall meet on public highways any other person riding or driving a horse or horses or other draft animals, or any other vehicle, the person operating such motor vehicle shall reasonably turn the same to the right of the center of such highway, so as to pass without interference. Any person operating a motor vehicle shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof, and the rider, driver of such horse, draft animal or other vehicle shall, as soon as practicable turn to the right, so as to allow free passage on the left. Any person operating a motor vehicle shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right, and pass to the left of such intersection when turning to the left.

Brakes, bell and lamps.

§ 6. Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes and also with a suitable bell, horn or other signal, and be so constructed as to exhibit during the period necessary from or after sunset until not neces-

sary before sunrise, a white light visible within a reasonable distance in the direction toward which the vehicle is proceeding, and a red light in reverse direction: Provided, that in case of heavy fog, if necessary, such light shall be displayed in the daytime before sunset and after sunrise.

Penalties for violation.

§ 7. Whoever shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction be fined not less than ten dollars nor more than one hundred dollars, or imprisonment for not more than thirty days.

Definitions.

§ 8. "Motor vehicles," as used in this act, includes all vehicles propelled by gasoline or other explosive vapor, steam, electricity or other kindred power, but the provisions of this act do not apply to road rollers, nor to motor vehicles run upon rails or set-tramways or tracks.

Approved this 7th day of March, A. D. 1905.

SOUTH DAKOTA.

Terms defined.

SEC. 1. The words and phrases used in this act shall, for the purposes of this act only, be construed as follows: 1. "Motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing herein contained shall apply to traction engines or road rollers. 2. "Closely built up portions" shall mean the territory of a city, town or village contiguous to a public highway devoted to business or where for not less than one-fourth ($\frac{1}{4}$) of a mile the dwelling houses on such highway average not more than one hundred (100) feet apart.

Statement, fees.

§ 2. Every owner of a motor vehicle shall for every such vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered, on a blank to be prepared and furnished by such secretary for that purpose. The filing fee shall be one (\$1) dollar.

Statement filed, registration number.

§ 3. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book to be kept for that purpose and assign it a number, beginning with the number one (1) and so on in the order of filing.

Change of owner, re-registration.

§ 4. Every person acquiring a motor vehicle shall file a like statement with the secretary of state, and such secretary of state shall, in like manner, file such statement, register such vehicle and assign it a number. If the vehicle has previously been registered, such fact and number assigned it shall be set forth in the statement and the previous registration shall be cancelled; but the number of such previous registration may be assigned under the new registration.

Seal.

§ 5. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form, not over two (2) inches in diameter, and have stamped therein the words "Registered in the office of the Secretary of State for South Dakota, under the Motor Vehicle Law, No. ——" with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle to which such number has been assigned.

Number displayed.

§ 6. Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such motor vehicle in such a manner as to be plainly visible, the number to be in Arabic numerals, each not less than three (3) inches in height, and each stroke to be of a width not less than one-half ($\frac{1}{2}$) inch and also as a part of such number the two capital letters "S" and "D", each of which shall be of a height not less than two inches, and each stroke to be of a width not less than one-third of an inch.

Non-resident owners.

§ 7. The provisions of section two (2) to five (5) inclusive shall not apply to motor vehicles owned and operated by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as provided by section six (6) of this act.

Regulations.

§ 8. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or in any event in the closely built up portions of a city, town or village, at a greater rate than one (1) mile in six (6) minutes or elsewhere in a city, town or

village at a greater rate than one (1) mile in four (4) minutes, or elsewhere outside of a city, town or village at a greater rate than twenty (20) miles per hour; subject, however, to the other provisions of this section. Upon approaching a crossing of intersecting public highways, or a bridge, or a sharp curve, or a steep descent, and also in traversing such crossing, bridge, curve or descent, a person operating a motor vehicle shall have it under control and operate it at rate of speed less than hereinbefore specified, and in no event greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Caution signals

§ 9. Any person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding or driving a horse or other draft or domestic animals, upon the highway or upon land within one hundred feet of the highway, bring such motor vehicle immediately to a stop, or if such horse or other draft or domestic animals show signs of fright, he shall, whether signal is given or not, stop at once; and if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animals to pass, and if traveling in the same direction, use reasonable caution in passing such horse or animals, and the operator and occupants of any motor vehicle shall render necessary assistance to the party having in charge said horse or other draft animal in so passing.

Brakes, signal bell or horn, lamps.

§ 10. Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with a suitable bell, horn or other signal and be so constructed as to exhibit, during the period from one (1) hour after sunset to one (1) hour before sunrise, one or more lamps showing white light visible within reasonable distance in the direction toward which such vehicle is proceeding, and also a red light visible in the reverse direction, showing the registered number, of the vehicle in separate Arabic numerals not less than one inch in height, and each stroke to be not less than one-quarter of an inch in width.

Powers of cities and towns.

§ 11. Cities and towns shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the highway, or excluding or prohibiting any motor vehicle whose owner has complied with section two (2) or section four of this act, from the free use of such highway, and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; provided, that nothing in this act shall be construed as limiting the power of local authorities to make, enforce and maintain ordinances, rules or regulations in addition to the provisions of this act, affecting motor vehicles which are offered to the public for hire.

Penalties.

§ 12. The violation of any of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding twenty-five dollars (\$25) for the first offense, and punishable by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), or imprisonment not exceeding thirty (30) days in the county jail for a second or subsequent offense.

Right of action for damages for injuries sustained by negligence of driver of motor vehicle remains the same.

§ 13. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to persons or property resulting from the negligent use of the highways by a motor vehicle, or its owner, or his employee or agent.

Repeal.

§ 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Emergency.

§ 15. Whereas there is no sufficient law upon the subject hereof, an emergency exists, and is hereby declared to exist, and this act shall be in force and effect from and after its passage and approval.

Approved February 24, 1905.

TENNESSEE.

Definition, registration, fee, certificate and re-registration.

SEC. 1. Be it enacted by the general assembly of the state of Tennessee, that before any owner of any automobile, locomobile, motor cycle or any other vehicle of like character other than street railway cars hereinafter termed "automobile" used for the purpose of transporting or conveying persons or freight, or for any other purpose, whether such automobile is propelled by steam, gasoline or electricity, or any other mechanical power, shall operate or permit to be operated any automobile upon any street, road, highway or any other public thoroughfare, such owner shall register such automobile with the secretary of state, giving the motive power, and make of the same, together with the name and residence address of such owner, and, shall, upon the payment of a fee of two (\$2) dollars, receive from the secretary of state a certificate, showing such registration, which certificate shall be numbered as issued in consecutive order beginning with "100" and shall thereafter, upon the payment of a fee of one (\$1) dollar, register said certificate with the county court clerk of the county in which such owner may reside.

Whenever the ownership of such automobile shall become changed by sale or otherwise the purchaser thereof shall be required to notify the secretary of state of such transfer and receive a certificate in his name, for which he shall pay a fee of one (\$1) dollar, and he shall be required to register such certificate with the county court clerk of the county in which he resides, and pay therefor a fee of fifty (\$.50) cents.

Number, display of.

§ 2. Be it further enacted, that a number in Arabic numerals of not less than three inches in height and one and one-half inches in width, corresponding to that assigned to such automobile by the secretary of state in the certificate by him issued, as hereinbefore provided for, shall be displayed in a conspicuous

manner at both the front and rear of such automobile, which said number shall be plainly written, printed, stamped or otherwise set out upon a durable and substantial plate of the size of not less than four inches in height and seven inches in length, and to be provided by the owner of such automobile. In order to prevent confusion in numbers no municipality shall require the owner of any automobile to place thereon any other or different number than that required in this section, and such owner shall not exhibit or permit to be attached to such automobile, any other or different number than that provided for in said certificate.

Speed.

§ 3. Be it further enacted, that no automobile shall be run or driven upon any road, street, highway or other public thoroughfare at a rate of speed in excess of twenty miles per hour: Provided, that any municipality shall have the authority to prescribe a lower maximum rate of speed within its corporate limits.

Duty upon meeting horses, et cetera.

§ 4. Be it further enacted, that whenever it shall appear that any horse or horses, driven or ridden by any person or persons, upon any street, road, highway or other public thoroughfare, is about to become frightened by the approach of any automobile from an opposite direction, it shall be the duty of such person driving such automobile to bring the same to a full stop until such horse, or horses shall have passed; and upon approaching any horse or horses from the rear it shall be the duty of the driver of any automobile to slow down his rate of speed and make known his approach to such person, or persons, driving or riding such horse or horses, by ringing a bell or sounding a horn, and should such horse, or horses appear to be frightened, to stop such automobile for a time sufficient for such person, or persons, to alight, if desired, and take hold of such horse or horses, or otherwise control the same.

Damage suits a lien on automobile.

§ 5. Be it further enacted, that whenever any suit for damages is brought in any court of competent jurisdiction for injuries to person or property, caused by the running of any automobile

in wilful violation of the provisions of this act, there shall be a lien upon such automobile for the satisfaction of such recovery as the court may award whether, at the time of the injury, such automobile was driven by the owner thereof or by his chauffeur, agent, employee, servant or any other person using the same by loan, hire or otherwise.

Penalties for violation.

§ 6. Be it further enacted, that a failure on the part of any person or persons, to observe and comply with the provisions of this act shall be deemed a misdemeanor punishable by a fine of not less than twenty-five nor more than one hundred dollars.

Act takes effect.

§ 7. Be it further enacted, that this act take effect thirty days after the date of its passage, the public welfare requiring it.

Passed March 27, 1905.

VERMONT.

Registration, applications for, record of, sale of automobile.

SEC. 1. All automobile and motor vehicles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the secretary of state or any agent thereof designated for this purpose, upon blanks prepared under his authority. The application shall contain in addition to such other particulars as may be required by said secretary, a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said secretary of state or his duly authorized agent shall then register, in a book to be kept for this purpose, the automobile or motor vehicle described in the application, giving to such automobile or motor vehicle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor vehicle, and shall be in such form and contain such further provisions as the secretary of state may determine. A proper record of all applications and of all certificates issued shall be kept by the secretary of state in his office and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor vehicle described therein. Upon the sale of any automobile or motor vehicle its registration shall expire, and the vendor shall immediately return the certificate of registration to the secretary of state, with notice of sale, and of the name, place of residence and address of the vendee.

Registration by manufacturers.

§ 2. Every manufacturer of, or dealer in, automobiles or motor vehicles may, instead of registering each automobile or motor vehicle owned or controlled by him, make application upon a blank provided by said secretary of state for a general distinguishing number or mark, and said secretary may, if satisfied of the facts stated in said application, grant said application and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said secretary of state may determine; and all automobiles and motor vehicles owned or controlled by such manufacturer or dealer shall, until sold, or let for hire, or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such license shall be ten dollars.

Unregistered machine not to run after May 1, 1905.

§ 3. Except as otherwise provided herein, no automobile or other motor vehicle shall, after the first day of May in the year nineteen hundred and five, be operated upon any public highway or private way laid out under authority of statute unless registered as heretofore provided, and the registered number or mark of every automobile and motor vehicle operated as aforesaid shall at all times plainly be displayed thereon in Arabic numerals not less than four inches long, and conforming in this and other details to the requirements prescribed by the secretary of state in his certificate of registration.

Operator's license, application for; special license for operating, term of.

§ 4. License for operating automobiles and motor vehicles shall be issued by the secretary of state or duly authorized agents thereof. Application shall be made upon blanks prepared by the secretary of state for this purpose, and the licenses issued shall be in such form and shall contain such provisions as said secretary of state may determine. To such licensee shall be assigned some distinguishing number or mark, and a proper record of all

applications for license and of all licenses issued shall be kept by the secretary of state at his office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place of residence and address of the licensee and the distinguishing number or mark assigned to him. Special licenses for operating automobiles or motor vehicles for hire shall be issued by the secretary of state, but no such license shall be issued until the secretary of state or his authorized agent shall have satisfied himself that the applicant is a proper person to receive it. Such licenses shall be granted for one year only. The fee for each license to operate shall be two dollars. All fees shall be deposited at the time of making the application. The secretary of state may at any time suspend or revoke any license for any violation of this act or regulation made thereunder. Before a license to operate is granted, the applicant shall present such evidence as to his qualifications as may be required by the secretary of state or agent thereof.

Unlicensed operator not to operate machine after May 1, 1905.

§ 5. Except as hereinafter provided, no person shall, on or after the first day of May in the year nineteen hundred and five, operate an automobile or motor vehicle upon any public highway or private way laid out under authority of statute unless licensed so to do under the provisions of this act. No person shall operate an automobile or motor vehicle for hire, unless specially licensed by the secretary of state so to do. No person shall employ for hire as chauffeur or operator of an automobile or motor vehicle any person not specially licensed as aforesaid, and every chauffeur or operator for hire shall, while so acting, display the distinguishing number or mark assigned to him, in such manner as may be prescribed by the secretary of state.

Vehicles owned by non-residents.

§ 6. Automobiles or motor vehicles owned by non-residents of this state and driven by a person residing and licensed in some other state, may be operated on the roads and highways of this state, subject, however, to the speed limitations contained in section eight and to such further regulations as the secretary of state may make. The provisions of this and the preceding sec-

tion shall not prevent the operating of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator.

Duties of person in control of vehicle on approaching horses.

§ 7. Every person having control or charge of an automobile or motor vehicle shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses, or approaching any horse upon which any person is riding, operate, manage and control such automobile or motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse or horses and to insure the safety and protection of such persons so driving or riding the same. And if such horse or horses appear to be frightened and the driver of said horse or horses shall stop them, because of such fright, the person in control of such automobile or motor vehicle shall stop the same, and shall not proceed further towards said horse or horses until they shall have passed said automobile or motor vehicle or shall have reached a place of safety, unless the rider or driver of such horse or horses shall signal the person having in charge such automobile or motor vehicle, to advance.

Speed regulations.

§ 8. No automobile or motor vehicle shall be run on any public way or private way laid out under the authority of statute outside the limits of a city or incorporated village, or the thickly settled business part of a town or fire district at a speed exceeding fifteen miles an hour, within a city, incorporated village or thickly settled or business part of a town or fire district, at a speed exceeding ten miles an hour. Upon approaching a crossing of intersecting ways, also in traversing a crossing or intersection, and in going round a corner, or a curve in a highway, every person operating an automobile or motor vehicle, shall run it at a rate of speed less than that thereinbefore specified and at no time greater than is reasonable and proper, having regard to traffic and the use of way and the safety of the public, and in no event exceeding six miles an hour.

Revocation of certificate or license, penalty for violations.

§ 9. The secretary of state or agent thereof may, after due hearing, suspend or revoke a certificate issued under section one

of this act, or the license issued to any person under section **four** of this act, for any cause which he may deem sufficient; and any person convicted of violating any provision of this act shall be punished by a fine of not more than fifty dollars for a first offense, and of not more than one hundred dollars, or imprisonment for a term of ten days for each subsequent offense. Any person convicted of operating or causing or permitting any other person to operate, an automobile or motor vehicle after revocation or suspension of this certificate or license granted under this act for such vehicle shall be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for a term of ten days, or both. A court convicting any person of violating any of the provisions of this act, shall at once notify the secretary of state of such conviction, with the number or mark of the machine, owned or driven by him, and all other information obtained. This shall be recorded by the secretary of state, and if at any time it shall appear that any person, owner or driver of an automobile or motor vehicle, used in different cities, villages or towns of this state, has been convicted of a first offense in more than one court in the state, the fact of this conviction shall be deemed a second or subsequent offense, and the person, owner or driver shall be subject to further prosecution by the secretary of state.

Brakes, mufflers and lights.

§ 10. Every automobile or motor vehicle operated in this state shall be provided with an adequate brake, with a muffler and with a suitable bell, horn or other means of signalling and shall, in going around a corner or curve in a highway or on approaching intersection of streets signal with bell or horn and during the period from one hour after sunset to one hour before sunrise, display lights, with the registered number or mark thereon, of such size as may be prescribed by the secretary of state.

Vehicle to be provided with locks and keys.

§ 11. Every automobile or motor vehicle shall be provided with a lock, key or other device to prevent said vehicle from being set in motion by its own motive power, and no person shall allow any such vehicle operated by him to stand or remain unattended in

any street, avenue, road, alley, highway, park, parkway or other public place without first locking or making fast the vehicle as herein provided.

Payment of fees.

§ 12. The fees received under the provisions of this act shall be paid quarterly by the secretary of state, into the treasury of the state, and such expenses as may be necessary in carrying out the provisions of this act shall be paid out of the treasury of the state and any unexpended balance thereof the treasurer shall add to the highway fund and shall apportion it as the state highway fund is now apportioned, for the construction of permanent highways.

Definition of terms.

§ 13. The terms "automobile" and "motor vehicle" as used in this act shall include all vehicles propelled by power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks and steam road rollers.

No. 64 of acts of 1902 repealed.

§ 14. Number sixty-four of the acts of nineteen hundred and two is hereby repealed.

Takes effect from passage.

§ 15. Except as otherwise herein provided this act shall take effect from its passage.

Approved December 10, 1904.

VIRGINIA.

Compliance with statute, definition of terms.

SEC. 1. Be it enacted by the general assembly of Virginia, that it shall be unlawful for any person or persons except in accordance with the provisions of this act to run, drive or operate any automobile, locomobile or any vehicle of any kind, the motive power of which shall be electricity, steam, gas, gasoline or any other motive power except animals, and which said vehicles shall hereafter be called machines in this act, on or along or across any public road, street, alley, highway, avenue or turnpike of any county, city, town or village in the state of Virginia, except and until such person shall comply with section two of this act.

Registration, certificate, number plate fee, loss of certificate.

§ 2. Every owner of a machine shall register the same by making application to the secretary of the commonwealth for a certificate of registration. The application must contain the name of the applicant and his address and place of residence, the name and a brief description of the machine, with the number, if any, as fixed by the maker.

(a) The secretary of the commonwealth shall issue a certificate of registration in duplicate, giving the machine in question a number which shall distinguish it. One of the certificates of registration must be firmly attached to the machine in an easily accessible place, and shall be in form, as follows:

This is to certify that _____ is the owner of a machine numbered _____.

That his (or her) residence is _____; his (or her) post-office address is _____, and that he (or she) hath obtained this certificate according to law on the _____ day of _____, nineteen hundred and _____.

Teste:

Secretary of the Commonwealth of Virginia.

(b) A number plate must also be delivered to the applicant by the secretary of the commonwealth upon which the number assigned must be painted in Arabic numerals, not less than four inches in height, followed by the letters "VA." And this plate must always be in evidence upon the rear of the machine.

(c) The fee for the certificate and plate shall be two dollars (\$2.00), which amount shall be paid to the secretary of the commonwealth.

(d) If the owner of a machine shall furnish satisfactory proof of the loss of his certificate of registration or number plate, then the secretary of the commonwealth shall furnish one or both, giving the same number as originally held, upon the payment of the fee designated in sub-section *c* of this section.

Lamps.

§ 3. Every machine operator in this state shall have displayed from one hour after sunset to one hour before sunrise at least one white light throwing a bright light at least one hundred feet in the direction in which the machine is going, and also shall exhibit on the rear of the machine one red light, which shall effectually illumine the number tag on the rear.

Sale of machine, new certificate.

§ 4. Should the owner part with the machine or any interest in it in the year following the date of the certificate, it shall be the duty of the purchaser to take out a new certificate in accordance with the provisions of this act; nor shall the number of any machine be changed during the life of the certificate, and there shall be only one number placed on each machine.

Speed rates.

§ 5. An operator of a machine shall not drive in the corporate limits of any city or town at a greater rate of speed than twelve (12) miles an hour. Outside of the corporate limits of any city or town a speed of fifteen miles an hour is permissible, except in going around curves, down sharp declines, or at the intersection of any cross-roads, or over the crest of hills, or in passing other vehicles or riders on roadways, when a rate of speed that will tend to avoid danger must be observed.

Duty to exhibit certificate.

§ 6. It shall be the duty of the owner or the driver of every machine run upon any turnpike upon passing a toll-gate to exhibit his certificate to the toll-gate keeper who shall enter the name and address of the owner and the number of the machine, together with the hour and day of the passage through the gate of the machine, in a book kept for such purposes, which book shall be furnished all the toll-gate keepers by the several boards of supervisors. And it shall be the duty of the owner or driver of any machine to produce his certificate for inspection when so requested by the sheriff or any constable, policeman or peace officer.

Final disposition of certificate fees.

§ 7. Of the two dollars (\$2.00) to be paid for the certificate fifty (50) cents shall be retained by the clerk for the issuance of such certificate, and the balance shall be turned over to the treasurer of the county or city and placed to the credit of said county or city for the purpose of reimbursing said county or city for the expense entailed by this act.

Special speed rates.

§ 8. The following rate of speed may be maintained, but shall not be exceeded on any of the highways set forth in section one, of any city, town or village, or county in this state by any one driving a machine.

(a) A speed of eight miles an hour around curves or bends or where the roadway is not plainly visible for a distance of two hundred feet ahead, and at the intersection of prominent cross-roads when such road or highway passes through the open country.

(b) A speed of eight miles per hour where a street or highway passes the built up portions of a city, town or village.

(c) A speed of eight miles an hour at points on any public highway when there is a gathering of horses or persons. Otherwise the rate of speed may be fifteen miles per hour, but not more, and this rate is subject to the conditions set forth in the succeeding sections of this act.

Duties on meeting horses, et cetera.

§ 9. The owner, operator, conductor, driver or occupant of any such machine shall keep a careful look ahead for the approach of

horseback riders or vehicles drawn by horses or other animals, and upon the approach of such riders or vehicles shall slow up, keep his machine under thorough and careful control, give ample roadway to such rider or vehicle, and if signalled by such rider or occupant of such vehicle, or be otherwise requested thereto, shall immediately bring his vehicle to a full stop and allow ample room and time to allow such rider or vehicle to pass. And if requested so to do by the said rider or the occupant of said vehicle, the owner, operator, conductor, driver or occupant, if a male, of any such machine, shall lead the horse or horses past his machine. Should any horse ridden or driven in an opposite direction to that which the machine is traveling, give evidence of fright then the duty of the driver shall be the same as if he had been signalled to by the rider of the horse or the occupant of the vehicle.

Duty upon overtaking horses; lock, brakes and bell.

§ 10. When the operator, owner, occupant, conductor, or driver of such machine overtakes a horse or vehicle traveling in the same direction with himself he shall slow down his speed, signal for the road by bell or gong or horn, and if the horse or other vehicle stop, shall pass at a rate of speed not greater than four miles per hour. Should such vehicle or ridden horse not stop and the said operator, owner, driver, conductor or occupant of said machine desire to pass he shall do so at a rate of speed not greater than may be necessary, and shall in all cases use due diligence and care not to frighten the horse, or horses. In case of a machine passing a horse or vehicle going in the same direction the provisions of section nine of this act shall apply to the operator, owner, driver, occupant or conductor of the machine, except that in such case the horse or horses shall be held until the horse or horses become quiet, and then the machine may proceed.

Every machine shall be provided with a lock, key or other device to prevent its being set in motion, and no person shall allow any such machine operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway or any other public place without first locking or making fast the machine as above provided.

Every machine shall be provided with a good and sufficient

brake, or brakes, and shall also be provided with a suitable bell, horn or other signal device.

Penalties for violation, appeal.

§ 11. Any person failing to perform any duty imposed by any section of this act, or violating any provision or condition herein set forth, shall for each offense be fined not less than ten dollars or more than one hundred dollars, or imprisoned in jail not less than five nor more than thirty days, or both, in the discretion of the justice of the peace before whom the case may be tried. An appeal may be taken to the circuit court of the county or corporation or hustings court of the city, in accordance with the general law governing appeals in misdemeanor cases.

Liability for damages, seizure of machine, service of process.

§ 12. In addition to such fine or imprisonment any person violating any of the provisions of this act shall be liable for damages actually incurred by reason of such violation and the machine may be seized and impounded anywhere in any county or city of this state, upon the order of a justice of said county or city in which the offense is committed, and may, by order of the justice, be sold to pay such fine or damage. But before any judgment shall be entered in said proceeding the owner of such machine shall have notice of the same by publication or otherwise, according to law and allowed an opportunity to make defense, and the driver of the machine shall be deemed an agent of the owner for the purpose of serving process.

Conditions governing sale of machine under judgment.

§ 13. In case when any such machine shall be impounded as provided in the preceding section and judgment be against the owner, the sheriff, constable or sergeant, as the case may be, shall fix upon a time and place for the sale thereof, and post notices of the same for at least ten days before the day of the sale, at three or more public places in his county or corporation, and shall publish notice of sale in some newspaper published in the county or city for two consecutive weeks. At the time and place so appointed such officer shall sell to the highest bidder for cash the said machine; and the surplus, if any there be after deducting the amount of fine, cost and damage, shall be paid to the owner of the machine.

Application of this act.

§ 14. This act shall apply to all counties in this state whose board of supervisors shall, by a recorded vote, adopt the same and to none other, and upon such adoption this act as to such county shall become immediately operative.

Limitations of act.

§ 15. Nothing in this act shall apply to the machines known as traction engines, or to any locomotive engine or electric car running on rails or motor bicycles. Nor shall it apply to any incorporated city or town which now, or shall hereafter have ordinances governing the operation of machines within their corporate limits, unless the council of such city or town shall adopt this act in accordance with the provisions of section twenty; and nothing contained in this act shall affect the right of any person injured in his person or property by the negligent operation of any machine to sue and recover damages as heretofore.

Duty of board of supervisors or council.

§ 16. Every board of supervisors or council adopting this act shall at once notify the secretary of the commonwealth, who shall keep a record of the counties or cities so adopting open to public inspection.

ACT OF VIRGINIA, APPROVED DECEMBER 20, 1902.

AN ACT TO REGULATE THE RUNNING OF AUTOMOBILES, LOCOMOBILES,
AND OTHER VEHICLES AND CONVEYANCES WHOSE MOTIVE POWER
IS OTHER THAN ANIMALS, AND MOTOR BICYCLES AND TRICYCLES,
ALONG OR OVER THE PUBLIC HIGHWAYS OF THE STATE, AND THE
AVENUES, STREETS, AND ALLEYS OF THE CITIES.

Speed.

SEC. 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person or persons to run, or cause to be run, automobiles, locomobiles, or other such vehicles or carriage which has for its motive power and is propelled by steam, electricity, gasoline, or any power other than animal power, and motor bicycles and tricycles along or across any public road or highway,

or any avenue, street, or alley of any city in the state of Virginia, at a greater rate of speed than fifteen miles per hour.

Duty upon meeting horses, et cetera.

§ 2. The operator, owner, conductor, driver or occupant of any such vehicle, or the rider of any such motor bicycle or tricycle, shall keep a careful look ahead for the approach of horseback riders or vehicles drawn by horses or other animal, shall check speed, keep his vehicle, bicycle, or tricycle, as the case may be, under thorough and careful control, give ample roadway to such rider or vehicle, and, if signalled by such rider or occupant of such vehicle, or be otherwise requested thereto, shall immediately bring his machine or vehicle, bicycle or tricycle, as the case may be, to a full stop and allow ample time to such rider or vehicle to pass.

Passing horses.

§ 3. When the operator, owner, conductor, driver, or occupant of any such vehicle or machine, or the rider of any such bicycle or tricycle, as is described in the first section, overtakes a horse or vehicle traveling in same direction with himself, he shall slow down his speed, signal for the road by bell or gong, and if the other vehicle stops, shall pass at a rate of speed not greater than four miles per hour. Should the vehicle or traveler not stop, and the said operator, owner, conductor, driver, or occupant of such vehicle, or rider of any such bicycle or tricycle desire to pass, he shall do so at a rate of speed not greater than may be necessary, and shall in all cases use due diligence and care not to frighten the horse or horses.

Penalties.

§ 4. Any one violating the provisions of this act shall be fined not less than ten dollars nor more than one hundred dollars, to be assessed by a justice of the peace, and in addition thereto shall be liable for damages actually incurred by reason of such neglect, and the automobile, locomobile, or such other vehicle or machine, bicycle or tricycle, may be seized and impounded anywhere in the commonwealth upon the order of a justice of the county or corporation in which the offense is committed, and may, by the order of such justice, be sold to pay such fines or damages.

Impounding and sale of automobile, et cetera.

§ 5. In any case where any automobile, locomobile, or such other vehicle or machine, motor bicycle or tricycle, shall be impounded as provided in preceding section, the officer shall fix upon a time and place for the sale thereof, and post notice of same at least ten days before day of sale at three or more public places in his county or corporation, and shall publish notice of sale in some paper published in his county or corporation (if there be one published therein) for two consecutive weeks. At the time and place so appointed such officer shall sell to the highest bidder, for cash, the said automobile, locomobile, or other vehicle or machine, motor bicycle or tricycle, and the surplus, if any there be, after deducting the amount of the fine, cost and damage, shall be paid to the owner of said property.

Application of act.

§ 6. This act shall not apply to incorporated towns or cities which now or shall hereafter have ordinances regulating speed of the vehicles or machines mentioned in the preceding sections.

When act takes effect.

§ 7. This act shall be in force from its passage.

WASHINGTON.

Compliance with sections two, four and five of this act necessary.

SEC. 1. No automobile or motor vehicle shall be used or operated on any public road, highway, park or parkway, street or avenue within the state until the owner shall have complied with sections two, four and five of this act.

Owner's statement, certificate.

§ 2. The owner of every automobile or motor vehicle shall file in the office of the secretary of state annually before June first a statement of his name and address, together with a brief description of every such vehicle owned by him, and shall obtain from said secretary a number certificate for each of said vehicles, which certificate shall state the name of the owner of such vehicle and that he has registered in accordance with the provisions of this act. These certificates shall be numbered consecutively, beginning with one.

Record.

§ 3. The secretary of state shall keep a record of all such statements and of all certificates issued by him, with their numbers.

Fees.

§ 4. The fee for issuing said certificate shall be two dollars and the fee for each renewal thereof shall be two dollars.

Number must be displayed.

§ 5. The number of each certificate, preceded by the letters "Wn," shall be displayed upon the back of such automobile or motor vehicle in light colored Arabic numerals at least four inches high on a dark background.

Non-residents exempted.

§ 6. The provisions of the previous sections shall not apply to automobiles, motor vehicles or motor cycles owned and operated

by non-residents of this state: Provided, the owners thereof have complied with any law requiring the registration of owners of automobile, motor vehicles or motor cycles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as provided by section five of this act.

Lamps, showing number.

§ 7. Every automobile or motor vehicle when driven on any public road, highway, park or parkway, street or avenue within this state shall, during the hours of darkness, have fixed upon some conspicuous part thereof at least one lighted lamp, showing white to the front and red to the rear, and shall have the license or certificate number of said vehicle painted in dark Arabic numerals across the white glass in said lamp.

Muffler, brakes and bell, meeting and passing vehicles.

§ 8. Every automobile or motor vehicle using gasoline as motive power shall use the "muffler," so-called, and the same shall not be cut out or disconnected within the limits of any city or village within this state. Every automobile or motor vehicle shall be provided with good and efficient brakes and with a bell or horn, which shall be rung or blown whenever there is danger of collision or accident. The driver or operator of every automobile or motor vehicle shall turn to the right in meeting vehicles, teams and persons moving or headed in an opposite direction, and turn to the right in passing vehicles, teams and persons moving or headed in the same direction.

Duties upon meeting horses, et cetera.

§ 9. Every person having control or charge of any automobile or motor vehicle, whenever upon any public street or way, and approaching any vehicle drawn by a horse or horses or any horse upon which any person is riding, shall operate, manage and control such automobile or motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear frightened, the person in control of such motor

vehicle shall reduce its speed, and, if requested by signal or otherwise by the driver of such horse or horses, shall not proceed further towards such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver.

Speed rates.

§ 10. No person, driver or operator in charge of any automobile or motor vehicle on any public road, highway, park or parkway, street or avenue, within the state shall drive, operate, move or permit the same to be driven, operated or moved at a rate of speed faster than one (1) mile in five (5) minutes within the thickly settled or business portion of any city or village within this state, nor outside of such thickly settled or business portion of any city or village on any public road, highway, park or parkway, street or avenue, at a rate of speed faster than one (1) mile in two and one-half (2½) minutes; nor over any crossing or crosswalk within the limits of any city or village at a rate faster than one mile in fifteen (15) minutes when any person is upon the same.

Speed must be reasonable, racing forbidden.

§ 11. No person driving or in charge of any automobile or motor vehicle on any highway, townway, public street, avenue, driveway, park or parkway, shall drive the same at any speed greater than is reasonable and proper, having regard to the traffic and use of the way by others, or so as to endanger life or limb of any person; and racing any such vehicle on any way or parks is hereby forbidden.

Local ordinances prohibited, exception.

§ 12. Cities, towns and counties shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of any automobile or motor vehicle any license or permit to use the public roads, highways, park or parkways, streets or avenues, or excluding or prohibiting any automobile or motor vehicle whose owner has complied with sections two, four and five of this act from the free use of such public road, highway, park or parkways, street or avenue, and all such

ordinances, rules and regulations now in force are hereby declared to be of no validity or effect: Provided, that nothing in this act shall be construed as limiting the power of local authorities to make, enforce and maintain ordinances, rules or regulations in addition to the provisions of this act, affecting automobiles or motor vehicles which are offered to the public for hire.

Punishment for violation.

§ 13. The violation of any of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars.

Approved March 11, 1905.

WEST VIRGINIA.

Subdivision 2 of section 2 of Chapter 32 of the Code of West Virginia provides that a license is necessary to "maintain or operate an automobile or vehicle of like nature." Section 3 of Chapter 32 of the Code provides that not less than \$20 and not more than \$100, and in the discretion of the court imprisonment for not more than three months, may be imposed as penalties upon conviction of a violation of this provision of law. Chapter 32 of the Code relating to licenses, is as follows :

Licenses, in general, when issued.

§ 10. The state licenses mentioned in the first section shall be issued only when authorized by the county court of the county, except as herein otherwise provided, and except further, that where the act, occupation or business for which such state license is necessary is to be done or carried on in an incorporated city, village or town, the license shall be issued only when authorized, under the charter of said city, village, or town, by the council or license court thereof, as well as by the county court; provided, that no license shall be issued for the sale of intoxicating liquors within two miles of the limits of any incorporated city, town, or village without the consent of the council thereof first obtained, unless the same be in another incorporated city, town or village in which there is no such license.

Application for licenses in general.

§ 11. Every person desiring to obtain a state license shall apply for a certificate therefor to the clerk of the county court, except as hereinafter provided. The words "clerk of the county court" as used in this chapter shall in each instance be construed to mean the clerk of the county court who acts as the recorder of said county.

A license may be revoked as follows:

§ 34. The county or license court or council who authorized any license mentioned in the first section may, for good cause

shown, revoke the same, upon the petition in writing of any inhabitant of the county or town. But the person holding the license must first have reasonable notice of the proposed revocation and the privilege of being heard in person or by counsel. After such revocation the license shall be of no effect to protect him from any penalty imposed by this chapter.

Fees for license are as follows:

§ 38. For every order entered authorizing a state license or assignment of the same, the clerk of the tribunal making the order shall be entitled to a fee of fifty cents. For every certificate for a license or alteration or assignment of such license, the clerk issuing the same shall be entitled to a fee of fifty cents. The said fees shall be paid by the person on whose application the license is issued, or the alteration or assignment made.

The license is only granted for a limited period as follows.

§ 39. Every state license for any purpose mentioned in sections one and two of this chapter, except as hereinafter otherwise provided, shall expire on the thirtieth day of April, next after the commencement thereof. If granted for a less time than a year the state tax thereon shall be computed from the annual tax in proportion to such time as the license has to run.

A special provision exists for licensing automobiles as follows:

§ 44. A license to maintain an automobile shall be granted by the auditor to the owner thereof, and shall be co-extensive with the state. Such licenses shall be numbered consecutively and a record shall be kept showing the name of the person to whom each license is granted. In addition to the certificate of licensee, the auditor shall furnish to every such licensee two metal tags or plates, bearing the same number as the license and the word "licensed," which shall be printed on such tag or plate in plain letters. One such tag or plate shall be securely attached in a conspicuous place in the front and the other on the rear end of such automobile. Any person other than the owner of the automobile licensed, who shall deface or destroy such tag or plate shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than twenty-five dollars. Duplicates of any such tag or plate may be issued by the auditor.

to the person to whom the original was issued upon the payment of the fee of one dollar for each. Any person who shall maintain or operate an automobile without such tag or plate or with one bearing any other number than that of the license issued therefor, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty nor more than one hundred dollars. In any controversy respecting the identity or ownership or control of an automobile, the number borne by it shall be *prima facie* evidence that it was owned and operated by the person to whom the license therefor was issued. If a license for an automobile be issued to any person other than the owner, it shall be invalid and such automobile shall be deemed to be maintained and operated without a license.

WISCONSIN.

Application, registration, fee, certificate, number plates and number.

SEC. 1. No automobile or other similar motor vehicle shall be operated, ridden or driven along or upon any of the public highways of the state unless the same shall have been registered in accordance with the provisions of this act. Application for such registration may be made by mail or otherwise to the secretary of state upon blanks prepared under his authority for that purpose. Blank applications shall be on file in the offices of the county clerks throughout the state. The application shall contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or other similar motor vehicle including the name of such vehicle, the number, if any, affixed by the maker, the character of motor power and the amount of such motor power stated in figures of horse power and with such applications shall be deposited a registration fee of one dollar (\$1.00). The secretary of state or his duly authorized agent shall then register in a book to be kept for that purpose, the automobile or other similar motor vehicle described in said application, giving to such automobile or other similar motor vehicle a distinguishing number, and shall thereupon issue to said applicant a certificate of registration in duplicate which shall contain the name, place of residence and address of the applicant, the registered number assigned, the date of registration and a brief description of the automobile or other similar motor vehicle so registered. One of said certificates of registration shall always be firmly attached in some accessible place in the automobile or other similar motor vehicle described therein. The secretary of state shall also issue and deliver to such owner an official number plate which shall be of uniform size and design, containing in three inch Arabic numerals, followed by the letter "W," the distinguishing number so assigned to said motor vehicle which said number plates shall be placed in a con-

spurious place on the rear of such automobile or other similar motor vehicle and be so kept and displayed at all times where the same can be readily and distinctly seen. Upon sale of such automobile or other similar motor vehicle said certificate of registration and number plate may be transferred by notification to the secretary of state, giving name and place of residence of the vendee, said notice of sale and transfer to be accompanied by a fee of fifty cents to cover the cost of said transfer. The proper record of all applications and of all certificates issued and transfers thereof made shall be kept by the secretary of state at his office and shall be open to the inspection of all persons during reasonable business hours. Upon satisfactory proof of the loss or destruction of any certificate of registration or number plate, the secretary of state shall issue a duplicate thereof to the owner of such automobile or other similar motor vehicle upon the payment of a sum not exceeding one dollar (\$1.00) to cover the cost of such duplicate.

Manufacturer's or dealer's application, registration, fees and numbers.

§ 2. Every manufacturer of, or dealer in, automobiles or other similar motor vehicles may, instead of registering each automobile or other similar motor vehicle owned or controlled by him make application upon a blank provided by said secretary of state for a general distinguishing number or mark, and said secretary of state shall, if satisfied of the facts stated in said application grant said application, and issue to the applicant one certificate of registration, containing the name, place of business and address of the applicant, and also the general distinguishing number or mark assigned to him in quadruplicate and made in such form and containing such further provisions as said secretary of state may determine; and all automobiles or other motor vehicles owned or controlled by such manufacturer or dealer except those for his own private use shall, until sold or let for hire, be regarded as registered under such general distinguishing number or mark. The fee for such registration, which shall include four distinguishing numbers or marks shall be five dollars (\$5.00). Additional duplicate general distinguishing numbers or marks may be obtained by any such manufacturer or dealer upon ap-

pllication to the secretary of state and the payment of an additional fee for each additional duplicate of not exceeding one dollar to cover the cost thereof. Upon satisfactory proof of the loss or destruction of any such certificate or distinguishing number or mark the secretary of state shall issue to such dealer or manufacturer a duplicate thereof upon the payment of a sum not exceeding one dollar (\$1.00) to cover the cost thereof.

Speed rates.

§ 3. No person or persons shall use, operate, ride or drive any automobile or other similar motor vehicle along or upon any public highway of this state within the corporate limits of any city or village at a speed exceeding twelve miles per hour, nor on any of the public highways outside the corporate limits of a city or village at a speed exceeding twenty-five miles per hour; provided that in turning corners, in going around curves, at sharp declines, at the intersection of any cross road, and where, for any cause the view in the direction in which the vehicle is proceeding, shall be obstructed the speed shall be reduced to such a rate as will tend to avoid danger of accident; the operator, when such vehicle is in motion shall observe the rules of the road.

Stopping on signal, shutting off power when automobile is left unattended.

§ 4. Every person operating an automobile or other similar motor vehicle upon or along any of the public highways of this state shall upon a signal by putting up the hand, or other sign of distress, by a person riding or driving a horse or horses which shall appear frightened, cause such automobile or other similar motor vehicle to stop all motor power and remain stationary, unless a movement forward shall be deemed necessary to avoid accident or injury, until such horse or horses appear to be under control; and shall, if requested, assist such person or persons to pass such automobile or other similar motor vehicle in safety, it being the intent of this act that every reasonable precaution shall be exercised by the operator of any such automobile or other similar motor vehicle to prevent the frightening of such horse or horses and to prevent accident or injury. All motor power shall be stopped on any automobile or other similar motor vehicle while left unattended on the public highway.

Automobiles have equal rights on highway.

§ 5. Every owner and operator of an automobile or other similar motor vehicle shall have equal rights upon all public highways of this state with all other users of such highways, and no person or persons shall unreasonably obstruct or impede the right of travel of such operator or owner while operating, propelling or driving such automobile or other similar motor vehicle. No person or persons shall give a signal or sign of danger or distress or call for assistance upon a person lawfully operating any such automobile or other similar motor vehicle on a public highway without a reasonable cause for so doing.

Lamps, brakes and bell.

§ 6. From one hour after sunset until one hour before sunrise there shall be displayed on the front of every automobile or other similar motor vehicle, while being operated or idrven along or upon any public highway of this state, at least one lamp giving a reasonably bright light in the direction in which said automobile or other similar motor vehicle is going; and every such automobile or other similar motor vehicle shall be provided with brakes and a bell, horn or other signal device.

Non-residents exempt.

§ 7. The provisions of section one of this act shall not apply to automobiles or other similar motor vehicles, owned by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of such automobiles or other similar motor vehicles, or its owner, in force in the state, territory or federal district of their respective residence, and the registration number of such state, territory or federal district shall be displayed on the rear of such automobile or other similar motor vehicle substantially as provided in section one of this act. Non-residents passing through this state from states having no registration as provided in section one of this act shall comply with all the provisions of this act.

Punishment for violation of sections one, three, five and six of this act.

§ 8. Any person or persons who shall violate the provisions of sections one, three, five, six, of this act, except as provided in

section seven shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars; any person or persons who shall violate the provisions of section four hereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars.

Local ordinances prohibited.

§ 9. The provisions of this act shall be uniform in operation throughout the state, and no city, village, county, town, park board or other local authorities shall have power to enact, pass, enforce or maintain any ordinance, resolution, rule or regulation, requiring local registration or other requirements inconsistent herewith, or in any manner excluding or prohibiting any automobile or other similar motor vehicle, whose owner has complied with the provisions of this act, from the free and unobstructed use of all public highways, driveways and parkways within the state; but the provisions of this act shall not apply to parks and driveways under the control and management of corporations organized under and pursuant to the provisions of chapter fifty-five of the laws of eighteen hundred and ninety-nine, and the acts amendatory thereof.

Owner not relieved from liability for negligence.

§ 10. Nothing in this act shall relieve the owner of any automobile or other similar motor vehicle from liability for damages to any person or persons or property due to the negligent use of his or her automobile or other similar motor vehicle which may be operated upon any public highway of this state.

Disposition of fees.

§ 11. All moneys received from registration fees shall be turned into the state treasury to be applied to pay the expense incurred in carrying out the provisions of this act.

Takes effect.

§ 12. This act shall take effect and be in force from and after July 1, 1905.

Approved June 5, 1905.

ENGLAND.

Reckless or too fast or dangerous driving on public highway to be an "offence under this act."

SEC. 1. (1) If any person drives a motor car on a public highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the highway, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the highway, that person shall be guilty of an offence under this act.

Apprehension of offender refusing his name, et cetera.

(2) Any police constable may apprehend without warrant the driver of any car who commits an offence under this section within his view, if he refuses to give his name and address or produce his license on demand, or if the motor car does not bear the mark or marks of identification.

Refusing name, et cetera, to be an offence; owner's duty.

(3) If the driver of any car who commits an offence under this section refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence under this act, and it shall be the duty of the owner of the car, if required, to give any information which it is within his power to give, and which may lead to the identification and apprehension of the driver, and if the owner fails to do so he also shall be guilty of an offence under this act.

Registration of motor cars.

§ 2. (1) Every motor car shall be registered with the council of a county or county borough, and every such council shall assign a separate number to every car registered with them.

Mark of number and council to be fixed on car.

(2) A mark indicating the registered number of the car and the council with which the car is registered shall be fixed on the

car or on a vehicle drawn by the car, or on both, in such a manner as the council require in conformity with regulations of the local government board made under this act.

Fee.

(3) A fee of twenty shillings shall be charged by the council of a county or county borough on the registration of a car, except in the case of motor cycles, for which the fee shall be five shillings.

Use of unregistered or unmarked car, an offence.

(4) If a car is used on a public highway without being registered, or if the mark to be fixed in accordance with this act is not so fixed, or if, being so fixed, it is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving the car shall be guilty of an offence under this act, unless, in the case of a prosecution for obscuring a mark or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable.

Provided that —

Saving for no reasonable opportunity of registering.

(a) A person shall not be liable to a penalty under this section if he proves that he has had no reasonable opportunity of registering the car in accordance with this section, and that the car is being driven on a highway for the purpose of being so registered; and

Manufacturer's or dealer's "general identification mark."

(b) The council of any county or county borongh in which the business premises of any manufacturer of, or dealer in, motor cars are situated, may, on payment of such annual fee, not exceeding three pounds, as the council require, assign to that manufacturer or dealer a general identification mark which may be used for any car on trial after completion, or on trial by an intending purchaser, and a person shall not be liable to a penalty under this section while so using the car if the mark so assigned

is fixed upon the car in the manner required by the council in accordance with regulations of the local government board made under this act.

Licensing; driving without license an offence.

§ 3. (1) A person shall not drive a motor car on a public highway unless he is licensed for the purpose under this section, and a person shall not employ any person who is not so licensed to drive a motor car.

If any person acts in contravention of this provision he shall be guilty of an offence under this act.

Council to license any resident applicant not disqualified.

(2) The council of a county or county borough shall grant a license to drive a motor car to any person applying for it who resides in that county or county borough on payment of a fee of five shillings, unless the applicant is disqualified under the provisions of this act.

Fee; license to be for twelve months, but renewable.

(3) A license shall remain in force for a period of twelve months from the date on which it is granted, but shall be renewable, and the same provisions shall apply with respect to the renewal of the license as apply with respect to the grant of the license.

Production of license.

(4) A license must be produced by any person driving a motor car when demanded by a police constable. If any person fails so to produce his license, he shall be liable, on summary conviction, in respect of each offence to a fine not exceeding five pounds.

Disqualifications; age; motor cycle; license-holder.

(5) Any person under the age of seventeen years shall be disqualified for obtaining a license (except that a license limited to driving motor cycles may be granted to a person over the age of fourteen years), and any person who already holds a license shall be disqualified for obtaining another license while the license so held by him is in force.

Suspension of license and disqualification.

§ 4. (1) Any court before whom a person is convicted of an offence under this act, or of any offence in connection with the driving of a motor car, other than a first or second offence, consisting solely of exceeding any limit of speed fixed under this act,

(a) May, if the person convicted holds any license under this act, suspend that license for such time as the court thinks fit, and, if the court thinks fit, also declare the person convicted disqualified for obtaining a license for such further time after the expiration of the license as the court thinks fit; and

(b) May, if the person convicted does not hold any license under this act, declare him disqualified for obtaining a license for such time as the court thinks fit; and

Endorsement of condition on license; notice to licensing council.

(c) If the person convicted holds any license under this act, shall cause particulars of the conviction and of any order of the court made under this section, to be endorsed upon any license held by him, and shall also cause a copy of those particulars to be sent to the council by whom any license so endorsed has been granted.

Production of license for endorsement of conviction.

(2) Any person so convicted, if he holds any license under this act, shall produce the license within a reasonable time for the purposes of endorsement, and if he fails to do so shall be guilty of an offence under this act.

Effect of suspension.

(3) A license so suspended by the court shall during the term of suspension be of no effect, and a person whose license is suspended or who is declared by the court to be disqualified for obtaining a license shall during the period of suspension or disqualification be disqualified for obtaining a license.

Appeal against disqualifying order.

(4) Any person who is by virtue of an order of the court under this section disqualified for obtaining a license may appeal against

the order in the same manner as a person may appeal who is ordered to be imprisoned without the option of a fine; and the court may, if they think fit, pending the appeal, defer the operation of the order.

Applying while disqualified an offence.

(5) If any person, who under the provisions of this act is disqualified for obtaining a license, applies for or obtains a license while he is so disqualified, or if any person whose license has been endorsed applies for or obtains a license without giving particulars of the endorsement, that person shall be guilty of an offence under this act, and any license so obtained shall be of no effect.

Forgery, et cetera, of identification mark or license.

§ 5. If any person forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any mark for identifying a car or any license under this act he shall be guilty of an offence under this act.

Duty of driver to stop in case of accident.

§ 6. A person driving a motor car shall, in any case, if an accident occurs to any person, whether on foot, on horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of the motor car on the road stop, and, if required, give his name and address, and also the name and address of the owner and the registration mark or number of the car; and if any person knowingly acts in contravention of this section, he shall be liable, on summary conviction, in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding twenty pounds, or, in the discretion of the court, to a term of imprisonment not exceeding one month.

Regulations by local government board.

§ 7. (1) The local government board may, under section six of the Locomotives on Highways Act, 1896 (in this act referred to as the principal act), make regulations.

Identification; ownership.

(a) Providing generally for facilitating the identification of motor cars, and in particular for determining, and regulating generally the size, shape, and character of the identifying marks to be fixed under this act, and the mode in which they are to be fixed and to be rendered easily distinguishable whether by night or by day, and with respect to the registration of cars, and the entry of particulars, including particulars of the ownership of the car, in the register, and giving of those particulars, and for making any particulars contained in the register available for use by the police, and for making a registration of a car void if the regulations as to registration are not complied with; and

Licenses; register; persons not resident in U. K.; particulars; one person, one license.

(b) With respect to the licenses to be granted by the councils of counties or county boroughs under this act, and in particular with respect to the register to be kept of those licenses and the renewal of licenses, and for providing special facilities for granting licenses to persons not resident in the United Kingdom, and for communicating particulars thereof to adjoining and other county or county borough councils, and for making any particulars with respect to any persons whose licenses are suspended or endorsed available for use by the police, and for preventing a person holding more than one license.

Councils to comply with local government board regulations; fees.

(2) The councils of counties and county boroughs shall comply with any regulations so made by the local government board, and may if authorized by those regulations and in accordance therewith charge in respect of the entry of particulars of the ownership of a car on change of ownership such fee, not exceeding ten shillings, as may be prescribed by the regulations, and in respect of the issue of a new license in the place of a license lost or defaced such fee not exceeding one shilling as may be prescribed by the regulations.

Local government board may prohibit motor cars on roads not more than twenty-six feet wide, et cetera.

§ 8. The local government board may, by regulations made under section six of the principal act, prohibit or restrict the driving of any motor cars, or of any special kind of motor cars, on any specified highway, or part of a highway, which does not exceed sixteen feet in width, or on which ordinary motor car traffic would, in their opinions, be especially dangerous.

Maximum speed.

§ 9. (1) Section four of the principal act (which relates to the rate of speed of motor cars) is hereby repealed, but a person shall not, under any circumstances, drive a motor car on a public highway at a speed exceeding twenty miles per hour, and, within any limits or place referred to in regulations made by the local government board with a view to the safety of the public on the application of the local authority of the area in which the limits or place are situate, a person shall not drive a motor car at a speed exceeding ten miles per hour.

Fine for exceeding maximum speed; more than one witness.

If any person acts in contravention of this provision he shall be liable, on summary conviction, in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding fifty pounds, but a person shall not be convicted under this provision for exceeding the limit of speed of twenty miles merely on the opinion of one witness as to the rate of speed.

Warning and notice of prosecution.

(2) Where a person is prosecuted for an offence under this section, he shall not be convicted unless he is warned of the intended prosecution at the time the offence is committed, or unless notice of the intended prosecution is sent to him or to the owner of the car as entered on the register within such time after the offence is committed, not exceeding twenty-one days, as the court think reasonable.

Revocation or alteration of regulations.

(3) The local government board may, without any application from the local authority, after considering any objections which may be raised by the local authority, revoke or alter any regulation made by them under this section.

Meaning of "local authority."

(4) For the purposes of this section the expression local authority means:

(a) As respects the city of London, the mayor, the aldermen, and commons of the city of London in common council assembled; and

(b) As respects a municipal borough with a population of over ten thousand according to the last census taken before the passing of this act, the council of the borough; and

(c) As respects any other area, the county council.

Local authorities to announce local restrictions by notice boards.

§ 10. (1) Local authorities within the meaning of the last preceding section shall give public notice of any regulation of the local government board made in pursuance of this act prohibiting or restricting the use of motor cars on any highway or part of a highway, or limiting the speed of motor cars within any limits or place, and for the purpose of giving effect to any such regulation shall place notices in conspicuous places on or near the highway, part of a highway, limits, or place to which the regulation refers.

Sign boards denoting dangerous points.

(2) Subject to regulations as to size and colors to be made by the local government board, local authorities within the meaning of the last preceding section shall within their areas cause to be set up sign posts denoting dangerous corners, cross roads and precipitous places, where such sign posts appear to them to be necessary.

Fines.

§ 11. (1) A person guilty of an offence under this act for which no special penalty is provided shall be liable on summary

conviction in respect of each offence to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or in the discretion of the court to imprisonment for a period not exceeding three months.

Appeal against fine above twenty shillings.

(2) Any person adjudged to pay a fine exceeding twenty shillings under this act may appeal against the conviction in the same manner as he may appeal if ordered to be imprisoned without the option of a fine.

Local government board may increase maximum weight.

§ 12. (1) The local government board by regulations made under section six of the principal act may, as respects any class of vehicle mentioned in the regulations, increase the maximum weights of three tons and four tons mentioned in section one of that act, subject to any conditions as to the use and construction of the vehicle which may be made by the regulations.

To regulate speed of cars above two tons.

(2) The power of the local government board to make regulations under section six of the Locomotives on Highways Act, 1896, shall, as respects motor cars exceeding two tons in weight unladen, include a power to make regulations as to speed.

Inland revenue license for drivers.

§ 13. The definition of "male servant" in sub-section three of section nineteen of the Revenue Act, 1869, as amended by section five of the Customs and Inland Revenue Act, 1876, shall be construed as if a person employed to drive a motor car were included in that definition.

Local inquiries by local government board.

§ 14. Sub-sections one and five of section eighty-seven of the Local Government Act, 1888 (which relates to local inquiries), shall apply for the purpose of carrying out by the local government board of any of their duties under this act.

Outside liability.

§ 15. Nothing in this act shall affect any liability of the driver or owner of a motor car by virtue of any statute or at common law.

Servants of the crown.

§ 16. It is hereby declared that this act and the principal act apply to persons in the public service of the crown.

Menai bridge.

§ 17. (1) A motor car shall not be driven on or over Menai bridge except in accordance with regulations made by the commissioners of works.

(2) If any person acts in contravention of this section he shall be liable on summary conviction in respect of the first offence to a fine not exceeding ten pounds, and in respect of a second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding fifty pounds.

Application to Scotland.

§ 18. In the application of this act to Scotland—

(1) A reference to the secretary for Scotland shall be substituted for a reference to the local government board; and

(2) A reference to the council of a royal, parliamentary or police burg, containing within its boundaries, as ascertained, fixed or determined for police purposes, a population according to the census for the time being last taken of or exceeding fifty thousand, shall be substituted for a reference to the council of a county borough, and every other burgh shall be deemed to form part of the county within which it is situate; and

(3) The road authority of any county or of any royal, parliamentary, or police burgh shall be the local authority within the meaning of the provisions of this act which relate to the rate of speed and the erection of danger boards; and

(4) A reference to sub-sections one and three of section ninety-three of the Local Government (Scotland) Act, 1889, shall be substituted for a reference to sub-sections one and five of section eighty-seven of the Local Government Act, 1888; and

(5) Any fine under this act shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts; and

(6) Any person convicted of an offence under this act and ordered to be imprisoned without the option of a fine or adjudged to pay a fine exceeding ten pounds shall have a right of appeal against the conviction. Such appeal shall lie to the sheriff

depute, and shall be heard summarily. Such appeal may be taken either immediately after the judgment appealed against has been pronounced or within seven days thereafter, and upon such appeal being taken the sentence (if any) shall be suspended until the appeal shall be disposed of: Provided that the appellant shall, at the time of taking such appeal, lodge in the hands of the clerk of court a bond with sufficient cautioner or otherwise give security satisfactory to the court for appearing before the sheriff depute. The sheriff depute is hereby authorized and empowered on such appeal to hear evidence, whether led at the original hearing or not, and to consider the merits of the case and reverse or confirm in whole or in part the judgment appealed against, or give such a new or different judgment as he in his discretion shall think fit; and save as provided by the Summary Prosecutions Appeals (Scotland) Act, 1875, his judgment shall be final and not subject to review; and

(7) An appeal taken in terms of this act by a person holding a license against an order for suspension or disqualification shall be taken and disposed of as nearly as may be in the manner and subject to the conditions provided by the immediately preceding sub-section.

Application to Ireland.

§ 19. In the application of this act to Ireland —

(1) A reference to the local government board for Ireland shall be substituted for a reference to the local government board; and

(2) Sub-sections one and three of article thirty-two of the Local Government (application of enactments) Order, 1898, shall be substituted for sub-sections one and five of section eighty-seven of the Local Government Act, 1888; and

(3) Section twenty-three of the Summary Jurisdiction (Ireland) Act, 1851 (which gives a right of appeal), shall apply as respects convictions for offences under this act as if any term of imprisonment without the option of a fine were substituted for a term of imprisonment exceeding one month; and

(4) Sections one to four, inclusive, of the Criminal Evidence Act, 1898, shall extend to Ireland in the case of a person charged with any offence under this act.

Meaning of "motor car."

§ 20. (1) In this act the expression "motor car" has the same meaning as the expression "light locomotive" has in the principal act, as amended by this act, except that, for the purpose of the provisions of this act with respect to the registration of motor cars, the expression "motor car" shall not include a vehicle drawn by a motor car.

"Public highway."

The provisions of this act and of the principal act shall apply in the case of a roadway to which the public was granted access in the same manner as they apply in the case of a public highway.

Commencement of act on 1st January, 1904.

(2) This act shall come into operation on the first day of January, nineteen hundred and four.

(3) This act may be cited as the Motor Car Act, 1903; and the Locomotives on Highways Act, 1896, and this act may be cited together as the Motor Car Acts, 1896 and 1893.

Act in force till end of 1906.

§ 21. This act shall continue in force till the thirty-first day of December, nineteen hundred and six, and no longer, unless parliament shall otherwise determine.

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